

UNIVERSITY OF KWAZULU-NATAL

**NEW SPACES FOR PARTICIPATION IN SOUTH AFRICAN
LOCAL GOVERNMENT**

By

Jayanathan P Govender

Student Number: 7812069

**A thesis submitted in partial fulfillment of the requirements
for the degree of**

DOCTOR OF ADMINISTRATION

(PUBLIC ADMINISTRATION AND BUSINESS MANAGEMENT)

School of Public Administration and Development Management

Faculty of Management Studies

Supervisor: Professor PS Reddy

2008

SUPERVISOR'S PERMISSION TO SUBMIT FOR EXAMINATION

Date: 10 November 2008
Student Name: Jayanathan P Govender
Student no.: 7812069
Dissertation Title: "New spaces for participation in South African local government".

As the candidate's supervisor I agree to the submission of this dissertation for examination.

Name of Supervisor: Professor PS Reddy

Signature: .....

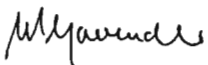
096905

DECLARATION

I, Jayanathan P Govender, declare that:

- (i) The research reported in this thesis, except where otherwise indicated, is my original research.
- (ii) This thesis has not been submitted for any degree or examination at any other university.
- (iii) This thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
- (iv) This thesis does not contain other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:
 - a) their words have been re-written but the general information attributed to them has been referenced;
 - b) where their exact words have been used, their writing has been placed inside quotation marks, and referenced.
- (v) This thesis does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source being detailed in the thesis and in the references sections.

Signature:



JP Govender

Student Number: 7812069

Dated: 10 November 2008

ACKNOWLEDGEMENTS

The researcher gratefully acknowledges Mr. Stanley Moonsamy of the Phoenix Parliamentary Constituency Office, KwaZulu-Natal, for administering the research questionnaires; Professor Sultan Khan of the School of Sociology and Social Sciences, University of KwaZulu-Natal, for expert support with the statistical analysis of the empirical research; and Ms Shirley Bell for skilled editing of the narrative.

The researcher thanks Professor PS Reddy of the School of Public Administration, University of KwaZulu-Natal, for excellence and distinguished supervision of the work. Professor Reddy's intellectual leadership, extensive knowledge, research, and publication experience ensured scholarship in the work. Most importantly, Professor Reddy taught the researcher that the essentials for academic life include openness, patience, and humility.

Any shortcomings and errors that may remain in the work are the sole responsibility of the researcher.

DEDICATION

This work is dedicated to community activists of the Greater Durban Area whose struggles during the apartheid era forged people's power and political freedom, attendant by the ideals of participation in public spaces.

Community activists were gathered by remarkable leaders schooled in the politics of resistance and inspired by the agency of ordinary people in colonized countries. Community activists acquired alternative training to operate in multi-disciplined functions towards organizing communities against the apartheid state.

For many community activists, this defining life experience was sacrificed on the altar of reluctant acquiescence of their parents. Parents, already suffering material stress and social injustice, were in constant fear of the hostile authorities and untold political backlash. Many still remain in anguish of the horrific past.

However, adversity is also a source of great learning for advancing capability. This work derives from such a backdrop. It is therefore appropriate to surrender the work as a modest offering to parents of community activists, in particular to parents of the researcher: Perumal Govindsamy Govender (3 June 1936 – 26 October 2000) and Nallamma Govender (20 November 1938 – 4 February 2002), who did get to participate in the formation of the democratic state in 1994.

ABSTRACT

The study is a monograph on participation in local government in South Africa. Participation is framed within the theoretical perspectives of representative democracy and its off-shoot, deliberative democracy. The research draws from three conceptual aspects: the main theories of democracy and participation contemplating the local sphere of government; the policy framework staging the interactions between the key participants, namely, local government and civil society formations; and the institutional spaces, values and attitudes involved therein.

The *problématique* of the research in terms of the three conceptual aspects are: to show that representative democracy has declined in favour of participation praxis; to assess policy coherence for effective participation at the local sphere; and to examine the accommodation of new participative spaces. To this end, the research undertook an extensive literature review and an empirical study of the eThekweni Municipal Area, in the Province of KwaZulu-Natal, South Africa.

The literature review indicated three learnings. Firstly, there was a decline in representative democracy, with decreasing emphasis on the electoral mode of politics. Rather, the tendency shifted towards supplementation with forms of public participation. Public participation and engagement developed into an off-shoot of representative democracy, now known pervasively as deliberative democracy and discursive democracy. The basis of these new democratic approaches means that citizens ought to have a hand in, and influence public decisions. Secondly, participation has taken new democratic forms that could be viewed alternatively as space; dialogue and deliberation; rights; development; decentralization; and accountability. Thirdly, new spaces for participation could be viewed in the form of *political society* and *social capital* vis-à-vis international agreements; poverty eradication; public administration; and the combined import of administrative law and judicial review.

In terms of the aims of the study, the work revealed that the participatory framework is based upon extensive theoretical and policy understandings. Participation is adequately captured in constitutional and legislative instruments in South Africa. The Draft National Policy Framework

for Public Participation, 2005 is a concrete outcome of South African local government preparedness to engage in meaningful participative discourse and praxis.

In terms of the research problems of the study, the work concluded the following:

- there is agreement on the part of stakeholders for engagement in parallel representative and participative forms of governance;
- local government participative policy appears sound but there is a need for convergent understanding on the part of the different participants, namely, municipal councillors; community stakeholders; and actors within the municipality; and
- there is evidence of contrasting debates on aspects of participatory praxis, but on the whole, participants have taken a knowledgeable and practical approach to new spaces for participation.

The study makes six recommendations:

- Brief and consult councillors, community stakeholders, and municipal actors on the findings of the study. (This exercise will serve two purposes, namely, to verify the findings of the study; and to develop a concrete programme for participation in the eThekweni Municipal Area, including a code of best practice).
- Develop a capacity building programme on judicial review for the three categories of stakeholders, namely, municipal councillors, municipal officials, and community stakeholders.
- Undertake further research on democratic participative forms at the local government level with particular focus on effective praxis through administrative justice.
- Initiate developmental programmes and case studies based upon participation praxis to address the most acute problems experienced by select local communities in the eThekweni Municipal Area.
- Make input into the review of provincial and local government policy processes initiated by the South African government and co-ordinated by the Department of Provincial and Local Government.

- Triangulate and establish the theoretical relationships of participation, democracy and governance.

The conclusions of the study reflect positively on the ideational foundations of participation and willingness of stakeholders to adopt new forms of discursive politics. The six recommendations of the work can serve to advance research and policy planning in the local government sphere in South Africa.

TABLE OF CONTENTS

| | | |
|------------------|--|---------------|
| | Title page | i |
| | Supervisor's permission to submit | ii |
| | Declaration | iii |
| | Acknowledgements | iv |
| | Dedication | v |
| | Abstract | vi |
| | List of figures | xix |
| | List of appendices | xx |
| | List of abbreviations | xxi |
| | Language certificate | xxiv |
| | | |
| Chapter 1 | INTRODUCTION | Page 1 |
| 1.1 | Introduction | Page 1 |
| 1.2 | Aims and objectives of the study | Page 4 |
| 1.2.1 | Aim of the study | Page 4 |
| 1.2.2 | Objectives of the study | Page 5 |
| 1.3 | Conceptual framework | Page 5 |
| 1.3.1 | Local democracy and participation theory | Page 6 |
| 1.3.1.1 | Participation as democratic form | Page 8 |
| 1.3.1.2 | Participation as democratic space | Page 9 |
| 1.3.1.3 | Participation as dialogue and deliberation | Page 9 |
| 1.3.1.4 | Participation as rights | Page 10 |
| 1.3.1.5 | Participation as development | Page 10 |
| 1.3.1.6 | Participation as decentralization | Page 11 |
| 1.3.1.7 | Participation as accountability | Page 12 |
| 1.3.2 | Participatory governance at local level | Page 12 |
| 1.3.3 | Civil society relations and participation | Page 15 |

| | | |
|------------------|--|----------------|
| 1.3.4 | New spaces for local government participation | Page 16 |
| 1.3.5 | Research design and methodology | Page 19 |
| 1.3.6 | Empirical study: eThekweni Municipality | Page 19 |
| 1.3.7 | General conclusions and recommendations | Page 20 |
| 1.4 | Conclusion | Page 21 |
| | | |
| Chapter 2 | LOCAL DEMOCRACY AND PARTICIPATION THEORY | Page 23 |
| 2.1 | Introduction | Page 23 |
| 2.2 | Reflections on democratic theory | Page 24 |
| 2.3 | Participation theory | Page 27 |
| 2.3.1 | Participation in the <i>liberal theory</i> | Page 27 |
| 2.3.2 | Participation in <i>political society theory</i> | Page 31 |
| 2.3.3 | Participation in <i>governance theory</i> | Page 34 |
| 2.3.4 | Participation in <i>feminist theory</i> | Page 41 |
| 2.4 | Theory and practice of participation | Page 45 |
| 2.4.1 | Participatory typologies and protocols | Page 45 |
| 2.4.2 | Participation in charters | Page 46 |
| 2.4.3 | Participation as a social activity | Page 49 |
| 2.5 | Decline of representative government | Page 55 |
| 2.6 | Participation according to categories | Page 59 |
| 2.6.1 | Participation as democratic form | Page 59 |
| 2.6.2 | Participation as space | Page 62 |
| 2.6.3 | Participation as dialogue and deliberation | Page 65 |
| 2.6.4 | Participation as rights | Page 67 |
| 2.6.5 | Participation as development | Page 70 |
| 2.6.6 | Participation as decentralization | Page 77 |
| 2.6.7 | Participation as accountability | Page 81 |
| 2.7 | Conclusion | Page 86 |

| | | |
|-----------|---|----------|
| Chapter 3 | PARTICIPATORY GOVERNANCE AT THE LOCAL LEVEL | Page 88 |
| 3.1 | Introduction | Page 88 |
| 3.2 | Governance and participation | Page 88 |
| 3.2.1 | New public management model and participation | Page 88 |
| 3.2.2 | New governance paradigm and participation | Page 91 |
| 3.2.3 | Participatory governance in South Africa | Page 95 |
| 3.3 | Taking democracy to the people | Page 106 |
| 3.3.1 | Path to good governance | Page 107 |
| 3.3.2 | The importance of co-operative governance | Page 111 |
| 3.3.3 | Institutional models and their implications for service delivery | Page 113 |
| 3.3.3.1 | Traditional model | Page 114 |
| 3.3.3.2 | Corporate model | Page 114 |
| 3.3.3.3 | Commercial contractual model | Page 115 |
| 3.3.3.4 | ‘Entrepreneurial’ or strategic model | Page 115 |
| 3.3.3.5 | New public administration model | Page 116 |
| 3.3.3.6 | Governance model | Page 117 |
| 3.3.4 | Which model? | Page 118 |
| 3.4 | Local government policy and legislation | Page 120 |
| 3.4.1 | Developmental local government | Page 122 |
| 3.4.2 | Participation in policy and legislation in South Africa | Page 125 |
| 3.4.2.1 | Participation in the RDP | Page 125 |
| 3.4.2.2 | Participation in the Constitution of South Africa | Page 126 |
| 3.4.2.3 | The White Paper on the Transformation of the Public Service | Page 129 |
| 3.4.2.4 | The White Paper on Transforming Public Service Delivery | Page 131 |
| 3.4.2.5 | Participation in the White Paper on Local Government | Page 134 |
| 3.4.2.6 | Participation in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) | Page 135 |
| 3.4.2.7 | Participation in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) | Page 141 |

| | | |
|------------------|--|-----------------|
| 3.4.2.8 | Participation in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) | Page 144 |
| 3.4.2.9 | Participation in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) | Page 144 |
| 3.4.2.10 | Participation in the White Paper on Municipal Service Partnerships | Page 145 |
| 3.5 | Limitations to citizens' participation | Page 146 |
| 3.6 | Socio-ethics of participation | Page 147 |
| 3.7 | Conclusion | Page 151 |
| | | |
| Chapter 4 | CIVIL SOCIETY RELATIONS AND PARTICIPATION | Page 154 |
| 4.1 | Introduction | Page 154 |
| 4.2 | The nature of civil society | Page 155 |
| 4.2.1 | Civil society globally | Page 155 |
| 4.2.2 | Civil society relations in South Africa | Page 157 |
| 4.2.3 | Diverse civil society | Page 162 |
| 4.3 | Promoting a new social contract with civil society | Page 165 |
| 4.3.1 | Models of participation | Page 166 |
| 4.3.1.1 | IDASA Models | Page 167 |
| 4.3.1.2 | Participation methods according to the International Association for Public Participation (IAP2) | Page 169 |
| 4.3.1.3 | Participation methods according to the Good Governance Learning Network (GGLN) | Page 172 |
| 4.3.1.4 | Participation methods according to the eThekweni Municipality | Page 173 |
| 4.3.1.5 | Participation methods according to the South African Department of Environmental Affairs and Tourism | Page 178 |
| 4.4 | Critical civil society issues | Page 182 |
| 4.4.1 | Who participates? | Page 182 |
| 4.4.2 | Building social capital | Page 185 |
| 4.4.3 | Questions on participation | Page 190 |
| 4.5 | Conclusion | Page 191 |
| | | |

| | | |
|------------------|---|-----------------|
| Chapter 5 | NEW SPACES FOR LOCAL GOVERNMENT PARTICIPATION | Page 193 |
| 5.1 | Introduction | Page 193 |
| 5.2 | New spaces for participation | Page 193 |
| 5.2.1 | International agreements as space for participation | Page 194 |
| 5.2.2 | Poverty as space for participation | Page 195 |
| 5.2.3 | Public administration as space for participation | Page 203 |
| 5.2.4 | Administrative law and judicial review as spaces for participation | Page 211 |
| 5.3 | Discussion on participation | Page 218 |
| 5.3.1 | Some strengths and weaknesses of participation models | Page 218 |
| 5.3.2 | Participation in the South African context | Page 225 |
| 5.3.3 | Challenges to public participation in the context of current South African local government | Page 227 |
| 5.3.4 | Research on participation in South Africa | Page 233 |
| 5.3.5 | Prospects for embedding democratic governance | Page 236 |
| 5.4 | Conclusion | Page 238 |
| | | |
| Chapter 6 | RESEARCH DESIGN AND METHODOLOGY | Page 240 |
| 6.1 | Introduction | Page 240 |
| 6.2 | Research design | Page 241 |
| 6.2.1 | Research problem | Page 241 |
| 6.2.2 | Aim and objectives of the study | Page 242 |
| 6.2.2.1 | Aim of the study | Page 242 |
| 6.2.2.2 | Objectives of the study | Page 242 |
| 6.3 | Significance of the study | Page 243 |
| 6.4 | Limitation of the study | Page 243 |
| 6.5 | Research methodology | Page 244 |
| 6.5.1 | Literature review | Page 245 |
| 6.5.2 | Consultation with authoritative sources of information | Page 246 |
| 6.6 | Research technique | Page 246 |

| | | |
|------------------|---|-----------------|
| 6.6.1 | Survey method and measuring instrument | Page 247 |
| 6.6.2 | Linking the questionnaires with the research themes | Page 248 |
| 6.6.3 | Questionnaire structure | Page 248 |
| 6.6.4 | Research themes-questionnaire structure | Page 252 |
| 6.6.4.1 | Councillor questionnaire | Page 252 |
| 6.6.4.2 | Community stakeholders questionnaire | Page 267 |
| 6.6.5 | Sampling | Page 279 |
| 6.6.6 | Data analysis and interpretation | Page 280 |
| 6.7 | Conclusion | Page 281 |
| | | |
| Chapter 7 | FINDINGS: REPRESENTATIVE AND DELIBERATIVE POLITICS AT THE ETHEKWINI MUNICIPALITY | Page 283 |
| 7.1 | Introduction | Page 283 |
| 7.2 | Councillors perception of participation in the eThekwini Municipality | Page 284 |
| 7.2.1 | Distribution of councillors by gender | Page 284 |
| 7.2.2 | Distribution of councillors by race | Page 285 |
| 7.2.3 | Occupation of councillors | Page 286 |
| 7.2.4 | Councillors' association with other community structures | Page 286 |
| 7.2.5 | Distribution of councillor type | Page 288 |
| 7.2.6 | Distribution of councillors by political affiliation | Page 288 |
| 7.2.7 | Distribution of councillors by membership of previous political parties | Page 289 |
| 7.2.8 | Distribution of councillors by geographical areas | Page 290 |
| 7.2.9 | Distribution of councillors by ward numbers | Page 291 |
| 7.2.10 | Distribution of councillors by number of years of experience | Page 291 |
| 7.2.11 | Political party awareness of participation processes | Page 292 |
| 7.2.12 | View of political party on participation | Page 293 |
| 7.2.13 | Political party's monitoring of community stakeholders' participation | Page 295 |

| | | |
|--------|---|----------|
| 7.2.14 | Political party's participation by order of priority | Page 296 |
| 7.2.15 | Assessment of impact of participation | Page 299 |
| 7.2.16 | Political support for participation at local level | Page 302 |
| 7.2.17 | Assessment of effectiveness of councillors to fulfill their roles | Page 303 |
| 7.2.18 | Councillors' support for representative and participative systems | Page 304 |
| 7.2.19 | Political party's support for both elected and proportional representatives councillors | Page 305 |
| 7.2.20 | Support by political party for multiple councillors | Page 306 |
| 7.2.21 | Reasons for political party's support for multiple councillors | Page 306 |
| 7.2.22 | Political party's awareness of judicial review processes in other countries | Page 308 |
| 7.2.23 | Political party's support for judicial review process | Page 309 |
| 7.2.24 | Indication of how judicial process should be formalized | Page 309 |
| 7.3 | Community stakeholder's perception of participation in the eThekweni Municipality | Page 312 |
| 7.3.1 | Community stakeholders interviewed | Page 312 |
| 7.3.2 | Historical existence of community stakeholders | Page 313 |
| 7.3.3 | Status of respondents of community stakeholders | Page 314 |
| 7.3.4 | Distribution of community stakeholders by municipal wards | Page 315 |
| 7.3.5 | Issues promoted by stakeholders | Page 316 |
| 7.3.6 | Community stakeholder support for participation in the eThekweni Municipality | Page 317 |
| 7.3.7 | Community stakeholder policy on participation | Page 318 |
| 7.3.8 | Issues participated in by community stakeholders | Page 319 |
| 7.3.9 | Outcomes of participation | Page 321 |
| 7.3.10 | Effectiveness of participation | Page 322 |
| 7.3.11 | Reasons for success and effectiveness of participation | Page 322 |
| 7.3.12 | Reasons for not supporting participation | Page 324 |
| 7.3.13 | Support for representative systems and participative methods | Page 325 |

| | | |
|---------|---|----------|
| 7.3.14 | Community stakeholders' perception of councillors' support for participation | Page 326 |
| 7.3.15 | Community stakeholders' support for appointment of both ward and proportional representative councillors | Page 327 |
| 7.3.16 | Support for multiple councillors from different political parties in the same ward | Page 329 |
| 7.3.17 | Reasons for supporting elected, proportional and multiple councillors in wards | Page 330 |
| 7.3.18 | Community stakeholders' awareness of judicial process on other countries | Page 332 |
| 7.3.19 | Community stakeholders' willingness to challenge local policies and decision through the judicial process | Page 332 |
| 7.3.20 | Community stakeholders' opinion of how the judicial process should be formalized | Page 333 |
| 7.4 | Discussion of main findings | Page 335 |
| 7.4.1 | Councillors of the eThekweni Municipality | Page 335 |
| 7.4.1.1 | ANC-leaning municipal councillors | Page 335 |
| 7.4.1.2 | Lack of political experience of councillors | Page 335 |
| 7.4.1.3 | Support for participation | Page 335 |
| 7.4.1.4 | Previous participation in local matters | Page 336 |
| 7.4.1.5 | Councillors' support for participation of community stakeholders | Page 336 |
| 7.4.1.6 | Effectiveness of councillors | Page 336 |
| 7.4.1.7 | Councillor and political party support for participative systems | Page 337 |
| 7.4.1.8 | Councillors' views on the judicial review | Page 337 |
| 7.4.2 | Community stakeholders in the eThekweni Municipality | Page 338 |
| 7.4.2.1 | Experience of community stakeholders | Page 338 |
| 7.4.2.2 | Issues promoted by stakeholders | Page 338 |
| 7.4.2.3 | Community stakeholder support for participation | Page 338 |
| 7.4.2.4 | Previous experience of participation | Page 338 |
| 7.4.2.5 | Support for representative and participative systems | Page 340 |
| 7.4.2.6 | Community stakeholders' awareness of and support for judicial review | Page 341 |
| 7.5 | Conclusion | Page 342 |

| | | |
|-----------|---|----------|
| Chapter 8 | GENERAL CONCLUSIONS AND RECOMMENDATIONS | Page 344 |
| 8.1 | Introduction | Page 344 |
| 8.2 | Chapter summaries | Page 346 |
| 8.2.1 | Chapter 1: Introduction | Page 346 |
| 8.2.2 | Chapter 2: Local democracy and participation theory | Page 347 |
| 8.2.3 | Chapter 3: Participatory governance at the local level | Page 350 |
| 8.2.4 | Chapter 4: Civil society relations and participation | Page 354 |
| 8.2.5 | Chapter 5: New spaces for local government participation | Page 355 |
| 8.2.6 | Chapter 6: Research design and methodology | Page 358 |
| 8.2.7 | Chapter 7: Empirical case study – eThekweni Municipality | Page 359 |
| 8.2.8 | Chapter 8: General conclusions and recommendations | Page 359 |
| 8.3 | Conclusions of the study | Page 360 |
| 8.3.1 | Conclusions from the literature study | Page 360 |
| 8.3.1.1 | Theoretical conclusions on democracy, liberty and participation | Page 360 |
| 8.3.1.1.1 | Democracy | Page 360 |
| 8.3.1.1.2 | Liberty | Page 361 |
| 8.3.1.1.3 | Participation | Page 362 |
| 8.3.1.2 | Theoretical conclusions on dimensions of participation | Page 363 |
| 8.3.1.2.1 | Participation as democratic form | Page 364 |
| 8.3.1.2.2 | Participation as space | Page 365 |
| 8.3.1.2.3 | Participation as dialogue and deliberation | Page 366 |
| 8.3.1.2.4 | Participation as rights | Page 368 |
| 8.3.1.2.5 | Participation as development | Page 370 |
| 8.3.1.2.6 | Participation as decentralization | Page 373 |
| 8.3.1.2.7 | Participation as accountability | Page 376 |
| 8.3.1.3 | New spaces for participation | Page 379 |
| 8.3.1.3.1 | Poverty and development as space for participation | Page 379 |

| | | |
|-----------|---|----------|
| 8.3.1.3.2 | Public administration as space for participation | Page 381 |
| 8.3.1.3.3 | Administrative justice as space for participation | Page 383 |
| 8.3.1.4 | New social contract with civil society | Page 385 |
| 8.3.1.5 | Continuity of participation | Page 386 |
| 8.3.2 | Conclusions from the empirical study | Page 388 |
| 8.3.2.1 | Councillors of eThekweni Municipality | Page 388 |
| 8.3.2.2 | Community stakeholders | Page 389 |
| 8.3.3 | Review of aims and objectives of study | Page 391 |
| 8.3.4 | Recommendations of the study | Page 393 |
| 8.3.4.1 | Brief and consult councillors, community stakeholders, and municipal actors on the findings of the study | Page 393 |
| 8.3.4.2 | Capacity building programme on judicial review for municipal councillors, municipal officials, and community stakeholders | Page 395 |
| 8.3.4.3 | Further research on effective praxis through administrative justice | Page 395 |
| 8.3.4.4 | Development programmes and case studies to address acute problems of local communities | Page 396 |
| 8.3.4.5 | Review of provincial and local government policy processes | Page 397 |
| 8.3.4.6 | Triangulating of participation, democracy and governance | Page 399 |
| 8.4 | Conclusion | Page 399 |
| | | |
| 9. | Bibliography | Page 401 |

LIST OF FIGURES

| | | |
|------------|--|----------|
| Figure 2.1 | Three-dimensional democracy | Page 37 |
| Figure 3.1 | Governance indicators for South Africa, comparison between 2006, 2002 and 1998 | Page 110 |
| Figure 4.1 | Spectrum of participation and levels of impact | Page 170 |
| Figure 4.2 | Role of NGOs in promoting good local governance | Page 173 |
| Figure 4.3 | The eThekweni strategic planning model | Page 174 |
| Figure 4.4 | Participation methods according to the South African Department of Environmental Affairs and Tourism | Page 178 |
| Figure 5.1 | Actors and institutions in the local sphere | Page 231 |
| Figure 5.2 | Intra-municipal relationships in relation to civil society | Page 232 |
| Figure 6.1 | Councillor questionnaire, objective and associated theme | Page 253 |
| Figure 6.2 | Local government councillors' questionnaire | Page 257 |
| Figure 6.3 | Community stakeholders' questionnaire, objectives and associated themes | Page 267 |
| Figure 6.4 | Community stakeholders' questionnaire | Page 271 |

LIST OF APPENDICES

| | |
|---|----------|
| Appendix 1: Ethical clearance | Page 433 |
| Appendix 2: Letter - Permission to conduct interviews | Page 434 |
| Appendix 3: Collage of participation in local government legislation. | Page 435 |
| Appendix 4: Draft National Policy Framework for Public Participation. | Page 456 |
| Appendix 5: Councillors of the eThekweni Municipality | Page 477 |
| Appendix 6: Johannesburg High Court ruling: 30 April 2008 | Page 483 |

LIST OF ABBREVIATIONS

| | |
|-------------|---|
| ACPDT: | African Charter for Participation in Development and Transformation |
| ACTs: | Area Co-ordinating Teams |
| ANC: | African National Congress |
| Batho Pele: | White Paper on Transforming Public Service Delivery |
| CBOs | Community-Based Organizations |
| CCP: | Centre for Public Participation |
| CEO: | Chief Executive Officer |
| CNA: | Community Needs Assessment |
| COSATU: | Congress of South African Trade Unions |
| CPS: | Centre for Policy Studies |
| DDC: | Deliberative Democracy Consortium |
| DDP: | Democracy Development Programme |
| DFID: | (British) Department for International Development |
| DPLG: | Department of Provincial and Local Government |
| DPSA: | Department of Public Service and Administration |
| E: | Elected Councillor(s) |
| EISA: | Electoral Institute of Southern Africa |
| ESSDN: | Environmentally and Socially Sustainable Development Network |
| EXCO: | Executive Committee |
| EPZ: | Export Processing Zones |
| FRC: | Foundation for Contemporary Research |
| GDP: | Gross Domestic Product |
| GEAR: | Growth, Employment and Redistribution Strategy |
| GGLN: | Good Governance Learning Network |
| GTZ: | Deutsche Gesellschaft für Technische Zusammenarbeit |
| Habitat: | United Nations Human Settlements Programme |

| | |
|---------------------|--|
| HIPC: | Highly Indebted Poor Countries |
| HIV/AIDS: | Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome |
| IAP2: | International Association of Public Participation |
| IDASA: | Institute for a Democratic Alternative in South Africa |
| IDP Rep Forum: | Integrated Development Plan Representative Forum |
| IDP: | Integrated Development Plan |
| IDS: | Institute for Development Studies |
| IGOs: | Inter-governmental Organizations |
| IMF: | International Monetary Fund |
| LPM: | Landless People's Movement |
| LTDF: | Long Term Development Framework |
| Manila Declaration: | Manila Declaration on People's Participation and Sustainable Development |
| NEDLAC: | National Economic Development and Labour Council |
| NEDLAC: | National Economic Development and Labour Council |
| NEPAD: | New Partnership for Africa's Development |
| NGOs: | Non-governmental Organizations |
| NPM: | New Public Management |
| PCRD: | Project for Conflict Resolution and Development |
| PR: | Proportional Representative Councillor(s) |
| PRA: | Participatory Rural Appraisal |
| PRSPs: | Poverty Reduction Strategy Papers |
| RDP: | Reconstruction and Development Programme |
| RSA: | Republic of South Africa |
| SALGA: | South African Local Government Association |
| SDF: | Spatial Development Framework |
| SMT: | Strategic Management Team |
| SPSS: | Statistical Package for Social Sciences |

| | |
|--------------|---|
| TAC: | Treatment Action Committee |
| TNCs: | Transnational National Corporations |
| UK: | United Kingdom |
| UNDP: | United Nations Development Programme |
| USA: | United States of America |
| USAID: | United States Agency for International Development |
| White Paper: | White Paper on Local Government |
| WPTPS: | White Paper on the Transformation of the Public Service |
| WPTPSD: | The White Paper on Transforming Public Service Delivery |
| WSF: | World Social Forum |
| WTO: | World Trade Organization |

LANGUAGE CERTIFICATE

(031)2022-521

10 Maze Road
Glenwood
DURBAN 4001
30 September 2008

Dear Jay

Your thesis is extremely well-written and has also been competently typed. Sentences are well-constructed and lucid, and you will see that no actual reconstruction of text was necessary. I have used brief pencilled notes to explain any alterations, but please do not hesitate to phone me if anything has been altered that you wish to query.

You quite frequently use what is called the "Oxford comma"; that is, using a comma between the last two items of a list or grouping. This is not widely used, but is nonetheless a correct optional grammatical usage (just in case an examiner asks why a comma is used in this way). It is a mode favoured by Oxford University, hence the name.

An aside: As a citizen of eThekweni, I found the content particularly enlightening at this time when citizens are becoming increasingly disenchanted with eThekweni Municipality as far as its frequent disregard for citizens' participatory rights is concerned, especially as it is widely felt that spokesmen put a spin on certain municipal actions in order to make it appear that citizens' views and rights are being fairly considered prior to decision-making when in fact they are not.

I mention this because, speaking as an author, I think it would be a great service to the community if you could produce a short book on citizens' rights in the area of local government. The growing number of ratepayers' associations, as well as individual citizens, would find such a publication invaluable.

A second book could contain the more formal detail for local and national government and function as a convenient handbook for them.

With kind regards

Shirley Bell, M.A. (English)

CHAPTER 1

INTRODUCTION

1.1 INTRODUCTION

The research is a monograph on participation in local government in South Africa. The title “New spaces for participation in South African local government” has currency in the participatory democratic discourse world-wide. Participatory democracy is the subject of conveyance from developed to developing and transitional countries, including South Africa. It holds immense interest among government, civil society, academics, researchers, and development workers for its potential towards forging new forms of democratic praxis.

The research has chosen *three conceptual aspects*: the main theories of democracy and participation contemplating the local sphere of government; the policy framework staging the interactions between the key participants, namely, local government and civil society formations; and the institutional spaces involved therein.

The *problématique* of the research in terms of the three conceptual aspects are: to show that representative democracy has declined given the emphasis on participation praxis; to examine policy coherence for effective participation; and to examine the accommodation of new participative spaces *vis-à-vis* local government policy and legislation in South Africa.

Participation is framed within the theoretical perspectives of representative democracy and its off-shoot, deliberative democracy. Representative democracy means a form of democracy whereby citizens’ interests are represented by elected officials through democratic elections. Deliberative democracy (also known as discursive democracy), in

turn, means a form of representative democracy that involves consensus seeking or trade offs on policy issues. The nature of representative democracy is similar to deliberative democracy in some ways, but they differ in the *mechanism by which decision-makers are selected and how they participate* in decision-making processes. In keeping with the conceptual aspects, the research therefore examines, in the *first instance*, the relationship between representative democracy and deliberative democracy and how they are operationalised in the local government sphere in South Africa.

Following from the relationship between representative and deliberative democracy, the study describes from the literature the impact of policy outcomes of participation in local municipalities. It is well known that South Africa inherited a dysfunctional local government system in terms of jurisdictions, structures and programmes (Atkinson, 2002: 1). Since 1994, a far-reaching package of legislation has been introduced to address structural, financial, and developmental issues. However, despite concluding the third democratic elections in 2006, the state of local government in South Africa is still described as transitional (RSA, 2006: 2). Some argue that the transition can best be understood as experiencing contradictory political, social, and economic trajectories (Landsberg and Mackay in Reitzes, 2004: 3). Others argue that substantive aspects of democracy, in particular long term human development, have still to be established at the local sphere (Mhone and Edigheji, 2003: 3-4). The research therefore intends in the *second instance*, to observe and comment on whether participatory policies cohere at the local sphere in South Africa.

The study intends, in the *third instance*, to evaluate the debates on participation and to identify new spaces relevant for South African local government. Participation is writ large in development discourse and is widely researched but the concept is widely contested and has different meanings in different contexts (Khan, 2005: 5). The World Bank and the International Monetary Fund (IMF), for example, view citizens'

participation as *the* panache for democracy in general and deliberative democracy in particular, but some critics argue that these agencies have instead appropriated participation in place of failing development policy approaches (Govender, 2006: 82). A differing view by the International Association of Public Participation (IAP2) argues that participation is an incomplete project. The IAP2 believes that there are on-going voices calling for new forms of citizens' engagement in governance at regional and local spheres because existing models have not adequately accommodated expectations (Briand, 2007: 15).

The three conceptual aspects form the theoretical backdrop, as well as the testing domains of the empirical research. Using the case study of the eThekweni Municipality in KwaZulu-Natal, the empirical research will scope the *problématiques* of the decline of representative democracy; policy coherence of participatory approaches; and the possibility of new spaces for participation by examining the opinions of key participants, namely, local government and civic organizations.

The research is approached through the dual lens of policy planner and community activist in the hope that the final sight fixes on deepening the democratic approach which has gained purchase in developing countries such as Brazil and India. The research therefore hopes to bring to the seascape some lessons yet to be obtained in South Africa.

However, the experience from the research was involving and complex. Since the research is exploratory, and since the investigative domain was itself transforming and in the process of becoming, the research found itself interlaced in the politics of possibilities. The research is therefore an unfinished story, part descriptive, part analytical and part speculative. At its best, it is a snap shot of interconnected approaches from a vast array of theories; unexhausted debate from the labyrinth of

literature; and ongoing experimentation and policy choices based on an immense body of rhetoric.

The research therefore came to be an exploration of discursive perspectives consisting of an admixture of contrasting postulations, supplementary options, and sometimes dual postulations. However the actors participating in the discourse and praxis remained the same, namely government and civil society formations, with private sector being given distinctive attention. But they (the actors) vied as both subjective participants and objective commentators of participation. But as a concept, participation manifested as Janus-faced throughout the research; on the one side, as panache for democratic praxis, and on the opposite side, as tyrannical subjection. The research concluded that participation is multi-dimensional: that it must be understood as context specific; that its application must obtain complementarity; that it must navigate through multi-faceted formats; that it must serve the interests of all people, in particular the poor; and, that it must integrate the opposing principles of transience and sustainability. In the final analysis, the research took the view that participation as democratic praxis must serve people first though positive development.

1.2 Aim and objectives of the study

1.2.1 Aim of the study

The aim of the study is to evaluate the participatory policy framework in the local government sphere in South Africa. The participatory policy framework is based on the concepts of democracy and governance which form the foundation of building a new mode of democratic praxis in South Africa. The point of departure of the study is therefore a critical examination of democratic and governance theories which is achieved in chapter 2.

1.2.2 Objectives of the study

The objectives of the study are threefold:

- firstly, the study will examine the relationship between representative democracy and deliberative democracy and how they are operationalised in the local government sphere in South Africa;
- secondly, the study will observe and comment on whether participatory policy coheres at the local sphere in South Africa; and
- thirdly, the study will evaluate the contrasting debates and approaches to effective participation at the local government sphere, in particular the possibility for new spaces for participation in South Africa.

The objectives of the study are achieved *vis-à-vis* a detailed theoretical analysis and an empirical case study. The approach to the study is developed in the conceptual framework outlined below.

1.3 CONCEPTUAL FRAMEWORK

The theoretical framework of the research is conceptualized in the following categories: democracy and participation theory; participation in the literature; participatory governance; local government policy and legislation; civil society relations and participation; and new spaces for local government participation. Each category details the meaning of concepts, sketches the existence of participative modes internationally, and thereafter locates the concepts and modes in the South African context. This

approach clarifies the genesis of participation approaches for the South African scene and, to some extent, illustrates the ideological leanings of such approaches.

1.3.1 Local democracy and participation theory

Democracy and participation theory is the subject of Chapter 2. Since the research focuses on participation or deliberative democracy, the initial discussion begins with the classical theorists, namely Rousseau's theory of participation, found in *The Social Contract* which hinges on the individual participation of each citizen in political decision-making (Pateman, 1970: 22).

The discussion concludes with post-modern theory which views the world as complex and uncertain where reality is no longer fixed or determined. An example of the post-modernist view is that democracy is more than good governance and the effective management of public resources; it is about the use of power and the management of conflict (Tommasoli, 2005: 3). The democratic process therefore requires a set of political institutions and processes based on the principle of popular control over public decisions and the decision-makers, and equality of respect and voice among citizens in the exercise of that control (Tommasoli, 2005: 3).

The application of the above two theoretical approaches in the South African context may be seen in the legislative provision of ward committees (RSA, 1998: 31) and other stakeholder fora initiated by municipalities, as well as those processes of accountability, transparency and responsiveness to citizens which is the subject of the Batho Principles (RSA, 1997: 11-19). These principles imply a culture of participation in which all stakeholders have a political voice. However, the participation discourse and its applications are much more complex. As the research elaborates, the approaches appear on a spectrum, are diverse, contested, and even dismissive, but are also interconnected and supplementary. The approaches are also evolutionary.

The theory of deliberative democracy has Harbermansian and Rikerian roots (Dutwin, 2003: 241). Harbermans envisioned a normative political discourse that was rational, equal and interpersonal (Dutwin, 2003: 241). This public space was characterized by informed opinion and inclusivity which contrasts with the meaning of representative democracy.

In a more radical view than Harbermans', William Riker (in, Mackie, 2006: 3) denies value to representative democracy *vis-à-vis* voting all together by declaring democratic voting impossible, arbitrary, and meaningless. Both Harbermans and Riker appear to collide with the meaning of democracy, in particular with representative democracy and the system of democratic voting. This collision appears to give way to deliberative democratic theory, wherein voting is, at best, an afterthought to the fact that reasonable people in the world fail to reach consensus on political choices (Mackie, 2006: 3).

Deliberative democracy seeks to build upon traditional models of public participation (opinion polls, public hearings and meetings) by advancing richer forms of citizen involvement in governance (Deliberative Democracy Consortium, 2004: 2). Extending this definition, deliberation is a discursive approach in which citizens come together in a non-coercive environment to identify and discuss public problems and possible solutions (Deliberative Democracy Consortium, 2004: 3). Deliberation then consists of a different structure from traditional forms of dialogue where participants are seen to be empowered actors.

Chambers (2003: 308) defines deliberative democratic theory as a normative theory that suggests ways in which democracy is enhanced and institutions are transformed in meaningful ways. Deliberative democracy moves beyond the idea of accommodating pluralism and individualist participation towards conceptions of accountability and

discussion. It focuses on the communicative processes of opinion and intention of people in contrast to voting oriented democracy.

Deliberative democracy therefore contains the ideas of action and results; values; the will to deliver; mutual benefits; access to information; and decision-making based on the provenance of authority (Deliberative Democracy Consortium, 2004: 4-5). The purpose of participation then may include: to decide on the preferences of the public; to improve decisions based on local knowledge; to advance fairness and justice; and to establish legitimacy for public decisions (Innes and Booher, 2004: 422-423).

Having established a working definition of the key concept of deliberative democracy, the research examines in greater detail the theoretical perspectives attributed to democracy and participation in Chapter 2. This chapter firstly reflects on some of the dilemmas of democracy and proceeds to discuss participation theory in terms of liberal theory; political society theory, governance theory, and feminist theory. The chapter concludes with a discussion of the gap between theory and practice in democratic theory.

Chapter 2 also casts the conceptual framework of participation through the literature. This approach shows participation to be located in different functional perspectives, namely, participation as democratic form; participation as space; participation as dialogue and deliberation; participation as rights; participation as development; participation as decentralization; and participation as accountability. Each functional perspective (or sub-category) is summarized below and elaborated upon in the chapter.

1.3.1.1 Participation as democratic form

The literature separates participation in terms of abstract democratic theory and participation for concrete human development. In terms of its abstract theory, the

literature points to the dissatisfaction with the system of representative politics in favour of participation that promotes concrete human development.

The views of the leading development organizations, namely, the World Bank, United Nations Development Programme (UNDP), and United Nations Human Settlements Programme (Habitat) are canvassed. These views are shown to provide definitive guidance on participation as a tool for human development.

1.3.1.2 Participation as space

Cornwall (2003: 1) develops the concept of space (cf. Lefebvre: 1991: 24) which has been created for citizen participation in governance. Space is used as both a metaphor and a literal descriptor of arenas where people may gather. These spaces may be temporary or enduring and may be regularized through government policy. There are different types of spaces: including, 'closed spaces' where civil society is not included in policy-making such as those of the World Trade Organisation (WTO); 'invited spaces' that are initiated by governments or donor organizations either through exerted pressure or by shifts in policy; and 'claimed space' where people come together in protest against government policies or foreign interventions (VeneKlasen, et. al., 2004: 5).

Local government in South Africa may be referred to as 'invited spaces' where citizens participate in local matters through a variety of mechanisms (for example, referenda) and processes (for example, social dialogue).

1.3.1.3 Participation as dialogue and deliberation

Participation takes the form of problem-solving which involves problem analysis, priorities setting, negotiating evaluative criteria and identifying alternative solutions.

Dialogue is the first necessary tool for the more elaborate process of deliberation. Dialogue is concerned with the linguistic, social and epistemological concerns of participants, which leads to deliberation, which is concerned with the more complex decision-making processes.

Deliberation is also concerned with how power is distributed among participants as well as the empowerment of certain groups such as the marginalized, women, immigrants, etc.

1.3.1.4 Participation as rights

A very different analysis of citizens' participation is provided by Cornwall (2003: 1), who suggests that there is renewed concern with rights, power and opinions about participation in governance. Greater attention is being focused on the institutions that articulate between communities, providers, and policy-makers. The idea is how to create greater opportunity for deliberative democracy. And it is believed that citizen participation makes for better citizens, better decisions, and better government.

Participation is prevalent in normative approaches such as in South African legislation. However, there is a view that the rights approach does not necessarily include the issues of accountability and capacity to deliver resources and justice (VeneKlasen et. al., 2004: 7-8). It is also believed that the rights approach does not develop people's sense of citizenship or capacity to reshape power (VeneKlasen et. al., 2004: 7).

1.3.1.5 Participation as development

Participation featured in the development discourse since the 1980s and has come to take on varied meanings. The literature refers to the theory and practice of 'participation' in development discourse and development projects over the past twenty

years. Mostly, the concept applies to participation in the social arena, in community or in development projects (Gaventa: 2002a: 3).

In South Africa, the notion of a role for civil society in democratic governance at the different levels of governance was recognized by the African National Congress (ANC) in its policy document, the Reconstruction and Development Programme in 1994. The RDP purported that democracy requires that all South Africans have access to power and the right to exercise their power will ensure that all people participate in the process of reconstructing the country (ANC, 1994: 120-121). The RDP envisaged the democratic process as fostering a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens through direct democratic instruments such as people's forums, referenda, and other consultation processes (ANC, 1994: 120-121). Accordingly, the RDP reinforces and mandates local authorities to be structured in such a way as to ensure maximum participation of civil society and communities in decision-making and developmental initiatives of local authorities (ANC, 2004: 131).

1.3.1.6 Participation as decentralization

The idea of deepening democracy is attributed to decentralization where the local sphere of government is viewed as more participative, more efficient and more accountable. Decentralization shifts decision-making from centralized government and bureaucracies to more meaningful and manageable local government structures *vis-à-vis* participative instruments.

Decentralization is justified further in terms of resource constraints and limited institutional capacity. The application of decentralization is associated with the concept of subsidiarity which states that government functions be allocated to the smallest or

lowest competent authority. A key outcome of the decentralization view is the acceleration of development.

1.3.1.7 Participation as accountability

The idea of accountability is associated with dissatisfaction with representative democracy. The belief is that citizens are disillusioned with government in respect of corruption and lack of responsiveness to needs.

Therefore traditional forms of political representation are being re-examined where citizens play a greater role in decisions that affect them. This approach may be described as social accountability which is aimed at playing an important role in the creation of more transparent and representative governments.

1.3.2 Participatory governance at the local level

Participatory governance is the subject of Chapter 3. The category of participatory governance within the conceptual framework firstly traces reforms to governance in developing and transitional countries, labelled the 'new public management' (NPM) revolution. The NPM model is a commitment to neo-liberal principles which emphasizes decentralization, privatization and governance based on 'good governance' (Economic Commission for Africa, 2003: 6). The discussion shows the NPM model to be based on World Bank analysis and justification.

Secondly, participation is then explained in terms of governance and 'good governance' in particular. The concept of 'good governance' is then related to the South African context. The chapter also refers to the importance of 'cooperative governance' as part of the 'good governance' paradigm. The chapter concludes with an outline of different governance models. The usual approach appears that governments choose aspects of

models in combination to form a hybridized model. Decision-makers then ascribe particular roles to participant actors such as civil society and the private sector within such a model.

Chapter 3 also disaggregates participation in terms of policy and legislation in the South African context. The concept of participation is viewed according to the policies and legislative framework applicable to individual government departments and the different spheres of government. The Constitution, the Reconstruction and Development Programme (RDP), White Papers and subsequent legislation contain systematic provisions for participation. Participation is encouraged and institutionalized in a variety of processes at all levels of the political structure. For example, citizens within municipalities have the right to be included in decision-making on policies, budgeting, and planning processes, and these are captured in government documents accordingly.

The Constitution of the Republic of South Africa sets out the imperative for participation at the local government sphere, with particular emphasis on governance and service delivery. The Constitution clearly states that local government must consult and/or involve members of the public when taking policy decisions that fall within their jurisdiction (RSA, 1996: 81). The implication is that public participation should extend beyond the periodic election of local councillors.

Section B of the White Paper on Local Government obliges municipalities to develop mechanisms to ensure citizen participation in policy initiation, formulation, implementation, monitoring and evaluation of programmes. Each municipality must therefore develop a localized system of participation (RSA, 1998: 33).

The Local Government: Municipal Structures Act, 1998 requires all municipal councils to develop mechanisms to consult and involve the community and their civil society

organisations in local governance. Sections 19 2 (c) and 3 of the Act direct municipalities towards a new culture of governance that complements representative democracy through participation (RSA: 1998: 14). Additionally, the Act provides for the establishment of ward committees which may advise the local municipality on local matters (RSA: 1998: 36). The ward committees serve as an important medium between communities and municipalities.

Section 17 of the Local Government: Municipal Systems Act, 1998 provides that participation by local community in the affairs of the municipality must take place through political structures. Chapter 2 of the Act stipulates the encouragement of community participation, consultation and involvement in the activities and functions of municipalities (RSA: 1998: 30). In fulfilling the constitutional mandate, the Municipal Systems Act provides for all municipalities, together with their stakeholders to jointly complete their integrated development plans (IDPs) (RSA: 1998: 36). In addition to the community being involved in municipal functions including preparation, implementation and review of integrated development plans (IDP), the community has an expanded role to establish, implement and review performance management systems (PMS); prepare the local budget; and make strategic decisions relating to the provision of municipal services (RSA: 1998: 30).

The Local Government: Municipal Finance Management Act, 2003 provides for the comprehensive reform of finance management systems within local government and aims to regulate the municipal budgeting process, financial accounting, auditing, reporting and borrowing. The Act also describes the responsibilities of municipal mayors and officials with regard to financial management and municipal budget process. With regard to participation, the Act stipulates in Chapter 4, Section 23, that a municipal council must consult the community on the annual tabled budget.

The Local Government: Municipal Property Rates Act, 2004 provides municipalities with guidelines on how to set rates in a local area. It creates a uniform framework for regulating property rates within the country. The main goal of the Act is to make the methods for valuating properties fair and equitable. This process therefore allows consideration for indigent property owners. With respect to participation, the Act stipulates that the public must participate in decisions relating to municipal property rates (RSA, 2000: 40). Additionally, municipalities are encouraged to develop their own by-laws on community participation that are suitable to their contexts (Davids, 2006: 14).

While participation consists of divergent and myriad approaches, its reach and depth are limited by definition allocated to it in both policy and legislation in South Africa. These definitions and limitations are explored in the chapter.

The final topic of discussion in Chapter 3 is the socio-ethics of participation. The discussion establishes the ethical and moral basis of participation which also contributes to understanding the parameters and limits to which actors are subjected.

1.3.3 Civil society relations and participation

Chapter 4 inquires into civil society relations within the context of participation. The chapter firstly examines the status of civil society globally. It establishes that international civil society plays a leading role in the participation praxis in global institutions and issues, thereby establishing important participatory spaces.

The chapter proceeds to civil society relations in South Africa in order to describe the diversity of civil society organizations and its implications for both policy and practice at the local government sphere. This analysis also serves to inform local governments in their planning for engagement with civil society organizations. The critical lessons of

international experience are also referenced for relevance at the South African local sphere.

The chapter also reviews participation models of the International Association of Participation, the Good Governance Learning Network, the eThekweni Municipality, and the model developed by the South African Department of Environment and Tourism, for comparative purposes and to determine best practice.

The chapter then proceeds with the debate on social capital which establishes it as a new space for engagement in developed societies. Social capital is understood as the institutions, relationships, attitudes, and values that govern interactions among people and which contribute to economic and social development. The social capital approach therefore extends participation beyond engagement with civil society organizations.

The chapter concludes with a set of questions which captures both the logics and issues not addressed by the participation discourse. These unanswered questions are aimed at the conscientization of both policy planners and of citizen participants.

1.3.4 New spaces for local government participation

Chapter 5 builds on emerging and new spaces for participation using the social capital approach as the backdrop in the previous chapter. The chapter identifies international agreements, poverty, public administration, and administrative law and judicial law as new spaces for participation.

The literature shows that international agreements spurred by popular pressure have opened up spaces in governmental decision-making processes. Additionally, the growth in civil society organizations worldwide has resulted in international movements such as

the World Social Forum whose constituencies have organized themselves into sectoral and interests groups such as environment, human rights, and peace.

Poverty and human development have consolidated into a form of space for participation in developing countries. The chapter traces the role of the World Bank in conceptualizing and promoting participation through various strategies and instruments. However, the main focus is on local governments in particular, which are seen as the key initiator for participation towards social and economic development.

The chapter then pursues a discussion on public administration as a space for participation. The key thinking is that traditional public administration has not kept in step with developments in areas such as organizational development and participative theory. The thrust to review both the discipline and practice of public administration is strongly proposed in certain quarters, including quasi government institutions and other organizations interested in strengthening the public sector.

The final space for participation is argued for administrative law and judicial review. Administrative law concerns the interface between citizens and the legislative, executive, and administrative arms of government, including governmental agencies and spheres of government such as local municipalities. Judicial review concerns the power of the courts to examine the actions of government and to determine whether such actions are consistent with the Constitution.

During the era of apartheid, South African courts had no power to examine or adjudicate apartheid policies and legislation passed under the ruling party. The apartheid government was therefore able to exert the sovereignty of parliament over people.

The lack of the above otherwise democratic practice was upturned by the 1996 South African Constitution which created a right that government engage with citizens when making decisions that affect their lives. Section 59 (1) (a) of the Constitution provides for a right for (public) participation in the legislative and policy-making processes that goes well beyond the right to vote in periodic elections (RSA, 1996: 35).

Additionally, section 33 (1) in the Bill of Rights of the Constitution of South Africa provides for the right to administrative action that is lawful, reasonable and procedurally fair and section 33 (2) states that where people's rights have been adversely affected by administrative action, they have the right to be given written reasons. Further, and more importantly, section 33 (3) requires national legislation to be enacted to give effect to these rights where, among others, provision must be made for the review of administrative action by a court or an independent tribunal (RSA, 1996: 16). This provision has resulted in the Promotion of Administrative Justice Act, 2000 (RSA, 2000). Chapter 10, section 195 (e) of the Constitution further entrenches the role of public to participate in policy-making (RSA, 1996: 116).

Chapter 5 concludes the discussion of new spaces for participation with the following important analyses: the conditions peculiar to the South African context; those challenges placed upon local government; the status of research on participation; and some preliminary prospects for embedding participation in democratic governance.

The approach taken by the research to understand participation is comprehensive and scales over several dimensions. The capturing of participation in this way demonstrates the multiple approaches and sheer enormity of interest in the subject. It also demonstrates how much is not known, such as the theoretical links between participation and development as well as empirical evidence and measures for success or failure of participation approaches.

1.3.5 Research design and methodology

Chapter 6 sets out the research design and methodology of the study. The structure of this study is both exploratory and qualitative. It is exploratory in that it attempts to gain a deeper understanding of participatory discourse in the South African context, given that participation is a recent development. The study is also qualitative in that it seeks to explain the role, motivations and rationale of specific actors, namely municipal councillors and community stakeholders in participatory forms of local government decision-making. An important outcome of the study is to identify new spaces for participation in local government, thereby strengthening democratic praxis.

An innovation of the methodology was the development of a matrix linking the two measuring instruments (municipal councillor questionnaire and community stakeholder's questionnaire) to the themes of the research. This approach ensured that the questions posed to interviewees were related to specific objectives which ensured a logical analysis and presentation of the primary data. The procedure facilitated easy reference for the findings to be examined against the three overall objectives of the research, culminating in conclusions and recommendations of the work.

1.3.6 Empirical study: eThekweni Municipality

Chapter 7 presents the analysis and findings of the empirical study. The data from questionnaires directed at municipal and community stakeholders were analyzed using the Statistical Package for Social Sciences (SPSS) and are presented in the form of tables and graphs.

The relationships between variables and their relationship to the objectives of the study are discussed. These relationships from the findings of the study are set out systematically in tabular and graphic representations.

The chapter concludes with a discussion of the main findings, from which the conclusions and recommendations are drawn in chapter 8.

1.3.7 General conclusions and recommendations

Chapter 8 sets out the general conclusions and recommendations of the study. Interviews were conducted with municipal councillors and community stakeholders. The study found that:

- Councillors were supportive of participative approaches, but maintained a degree of cautiousness at one end of the scale, and felt threatened at the other end of the scale, about the role of community stakeholders. However, councillors did indicate considered agreement for parallel representative and participative approaches. Councillors were also supportive of the judicial review process, but the indication is that they would need extensive capacity-building on understanding these new spaces; and
- Civics and ratepayer organizations demonstrated that they have the potential for effective participation at local government level. They supported parallel representative and participative approaches. Being supportive of the judicial review process, community stakeholders can become effective participants and influencers of new participative spaces.

The study makes six recommendations:

- Brief and consult councillors, community stakeholders, and municipal actors on the findings of the study. This exercise will serve two purposes, namely, to verify

the findings of the study, and to develop a concrete programme for participation in the eThekweni Municipal Area, including a code of best practice.

- Develop a capacity-building programme on judicial review for the three categories of stakeholders, namely, municipal councillors, municipal officials, and community stakeholders.
- Encourage further research on democratic participative forms at the local government level with particular focus on effective praxis through administrative justice.
- Initiate developmental programmes and case studies based upon participation praxis to address the most acute problems experienced by select local communities.
- Make input into the review of provincial and local government policy processes initiated by the South African government and co-ordinated by the Department of Provincial and Local Government.
- Triangulate and establish the theoretical relationships of participation, democracy and governance.

1.4 CONCLUSION

The title of the dissertation *New spaces for participation in South African local government* is relevant to the current debate and application of participation in the local government sphere in South Africa. The focus is an evaluation of participatory methodologies and the accommodation of possible new spaces.

The research has been conceptualized in terms of democratic participation theory; literature study covering participation as space, participation as rights, participation as development, participation as policy, and participation as judicial review; and the empirical study which will explore participants' capacity to engage with new spaces for

participation. The research therefore views the concept of participation as multi-dimensional, complex, contested, and transitory, depending on different contexts.

The research problem seeks to understand how participative praxis approaches can be realized in local spaces where democracy is deepened and citizens are empowered. Put another way, the research problem is concerned with understanding the relationship and articulation of representative and deliberative democracy in practice. The study will also examine three sub-problems:

- the relationship and apparent tensions between representative and deliberative democratic methodologies in the local government sphere;
- the coherence of participation policy against the backdrop of representative and deliberative democratic practice in the local government sphere in South Africa; and
- the state of capacity of participants in the deliberative processes and their willingness to exert pressure for new spaces for participation.

Therefore the objective of the research was stated as evaluating the participatory policy framework in the local government sphere in South Africa for coherence on the one hand, and for the exploration of new spaces for participation on the other hand.

The significance of the research was seen as contributing authentically to the on-going policy development process with particular reference to the possibility of introducing a judicial review process, thereby strengthening the participation process at the local government sphere in South Africa. Hence, the study may significantly influence the debate and effectiveness of participation on the ground.

CHAPTER 2

LOCAL DEMOCRACY AND PARTICIPATION THEORY

2.1 INTRODUCTION

The chapter conceptualizes participation theory in terms of the liberal tradition; participation as political society theory; and governance theory. While the three theoretical approaches appear as independent blocks, they are imagined as functioning in simultaneity, as a unified concept of 'participative governance'.

The chapter opens with the questioning of the concept of democracy and refers to some claims about democratic practice. A similar argument is made for the concept of 'governance' which is sometimes portrayed in the literature as the principal mode of democratic practice. The research shows that both the concepts of democracy and governance have been subjected to criticism and that, in practice, they are subjected to varying influences.

The chapter also gives some attention, probably insufficient attention, to participation in feminist theory. The feminist perspective provides insight into gender and family relations which impact on participation at the local level. The discussion is mainly a critique of liberal theory and is therefore a precursor to issues such as power and equity distribution in communities. This serves as a reminder that these issues need to be disaggregated according to the conditions in specific communities.

The chapter concludes with a discussion on the theory and practice of participation. It establishes that participation is not an evenly applied concept and in fact involves a host of other processes in practice. The example of this is found in South Africa's recently

released 'Draft National Policy Framework for Public Participation', 2005 (see Appendix 6), which is introduced towards the end of this chapter.

The theoretical discussion on participation continues into Chapter 3 headed 'Participation in the literature'. This approach is taken as a result of multiple and diverse interpretations of the concept of participation.

2.2 REFLECTIONS ON DEMOCRATIC THEORY

Robert Dahl (Terchek, 2003: 149) made the observation that there is no single theory of democracy, only theories. The point of departure, therefore, is controversy and uncertainty in describing democracy and its derivatives in the discourse.

There is no singular procedure to categorize the many different democratic theories. Some theories allow themselves to be grouped, in this instance participative or deliberative democracy, but it must be remembered that there are points of differences and contestation between and among them. The literature points to several assumptions about the meaning of democracy, but they are quickly refuted. It is therefore not unusual to be told that a certain claim about a democratic practice is 'not always so', meaning that generalizations are often problematic. For example, Held (1993: 13) states that democracy bestows an aura of legitimacy on modern political life: laws, rules and policies appear justified when they are 'democratic'. This is followed immediately by the statement 'but this is not always so' (Held, 1993: 13).

For Sen (2004, 1), the subject of democracy has become particularly muddled because of the way that rhetoric has been used. There is a dichotomy between those who want to impose democracy in countries in the non-Western world and those who are opposed to such imposition (Sen, 2004, 1). The idea of imposition is an explicit

assumption that democracy is a Western idea, originating and flourishing only in the West. Perhaps, then, the observation to make here is that there is no clear centre of democracy making its study daunting, even confusing at times.

Similarly, governance is also a disputed concept in the discourse. There is agreement that better governance matters for growth and poverty reduction, but little consensus on how to achieve it (IDS, 2006: 1). Research around the future state is showing that effective public institutions are evolving through political processes of bargaining between the state and organized groups in society. There is therefore a lesser focus on formal institutions compared to informal arrangements and relationships in society (IDS, 2006: 1). Hence the idea of social capital, which is discussed later in Chapter 5. Following from these developments, the research takes the view that the concept of governance has given way to participatory processes, losing its institutional centre to decentralized forms of governance.

The critical concept of freedom, also thought of as central to any form of democratic practice, is one of the most disputed concepts in political philosophy and beyond (Barbeck, 2006: 10). The idea of freedom cannot be taken for granted in policy-making and legislative arrangements. Sen's capability approach and Berlin's pluralist conception of freedom are important for the discussion.

Sen (1999: 36) theorizes that development is a process of expanding the real freedoms of people. In this approach, the expansion of freedom is viewed as both the *primary end* and the *principle means* of development. Sen calls the end and means of freedom as the 'constitutive role' and the 'instrumental role' of freedom in development. The constitutive role of freedom relates to the importance of the substantive freedom in enriching human life (Sen, 1999: 36). The substantive freedoms include elementary capabilities like being able to avoid starvation, undernourishment, escapable morbidity and premature mortality, as well as the freedoms that are associated with being literate

and numerate, enjoying political participation and uncensored speech and so on (Sen, 1999: 36).

The instrumental role of freedom concerns the way different kinds of rights, opportunities, and entitlements contribute to the expansion of human freedom in general, and thus to promoting development. The following types of instrumental freedoms must exist in order to promote development, namely, political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security (Sen, 1999: 36).

Berlin (in Barnbeck, 2006: 10) distinguishes between positive and negative freedom and argues that different concepts of freedom have been used and abused in the formulation of political doctrines and ideologies. Freedom is really determined by the extent of obedience a state can legitimately demand from its citizens, leading him to distinguish between positive and negative freedom. Negative freedom is concerned with the area in which a person can act unobstructed by other people. Other people do circumscribe freedoms, thereby coercing the individual. Positive freedom, on the other hand, is about that area in which an individual has control over her actions and the outcomes of her actions, i.e. the individual governs herself. The point, therefore, is to place a cautionary focus on the aspect of negative freedom in the democratic and participatory discourse.

Not unlike Sen's (1999: 36) and Berlin's (in Barnbeck, 2006: 10) approaches, most theories of democracy hold that a democratic government is one where free and equal citizens participate in their own governance and make power accountable to them. But it is well known that political thinkers from different persuasions will be highly critical of this statement. From the Greeks to the present day, the theory and practice of democracy has been highly criticized and problematised.

Pateman (1970: 3) for instance, points out that Schumpeter, in his influential 1943 book *Capitalism, socialism and democracy*, made the bold claim that 'classical' democratic theory was in need of revision. His starting point is an attack on the notion of democratic theory as a theory of means and ends; democracy, he asserts, is a theory unassociated with any particular ideals or ends (Pateman, 1970: 3). Democracy is a (rather) *political method*, meaning a certain type of institutional arrangement for arriving at political, (i.e. legislative and administrative) decision. It was the method (democracy) that furthered other ideals, for example, justice (Pateman, 1970: 3).

From the foregoing, it should therefore not come as a shock that participation theory, the fundamental basis of the research, has been captured in one book provocatively entitled *Participation: The new tyranny?* (Cooke and Kothari, 2001) wherein three tyrannies are identified and subjected to critical rigour: the tyranny of decision-making and control; the tyranny of the group; and the tyranny of method (Cooke and Kothari, in *Currents*, 2002: 9). Having established the controversial basis of democracy, the approach to participation theory will also be cautious and critical.

Without attempting a comprehensive categorization of democratic theories, the research documents participatory theory in terms of the categories of liberal theory; political society theory; governance theory; and, finally, feminist theory of participation. The emphasis is to frame a particular democratic theory against the different philosophical ideologies.

2.3 PARTICIPATION THEORY

2.3.1 Participation in the *liberal theory*

Rousseau's theory of participation, found in *The Social Contract*, hinges on the individual participation of each citizen in political decision-making (Pateman, 1970: 22). Rousseau imagined an ideal institutional arrangement to be a participatory political system.

Rousseau thought that the ideal situation for decision-making was one where no organised groups were present, only individuals, with the emphasis on equal and independent individuals. This ensured the equal distribution of political power when participating in institutions. Rousseau's thinking was, firstly, that the participation of individuals meant making decisions and, secondly, that this was the best way to ensure good government and to protect private interests (Pateman, 1970: 22).

Following from Rousseau, Mill developed his ideas around representative government and participatory democracy. Mill's theory is contained in the work *Representative Government*, wherein he claims that the ideal form of government which can satisfy all the exigencies of the social state, is one in which the whole people participate, and that participation even in the smallest form is useful (Thompson, 1976: 13).

Mill was concerned with two main ideas of good government: that is, how it promotes the good management of the affairs of society, and how good government can come to bear on the moral, intellectual and actions of individuals. Essentially Mill was concerned about the sinister interests of holders of power (Pateman, 1970: 28). The business of government was to promote the advancement of the general community in terms of both their intellectual development and virtues and in practical actions to achieve efficiency (Pateman, 1970: 28). Clearly, there is an interconnectedness between the individual, the individual's qualities, and democratic institutions.

In Locke's *Second Treatise* (in Terchek, 2004: 150), democracy is concerned with the natural rights and rational capacity of human beings. Consent is the basis of the contract

between government and the governed. Additionally, Locke was concerned about protecting civil society from an over-prescriptive government.

The liberal democratic approach, like all theories, has been subjected to change over time and by how liberal democratic approaches responded to new demands and interests. Hence the liberal approach may be deemed to have evolved off-shoots such as republicanism, communitarianism, libertarianism and associationalism.

Republican theories postulate popular rule for the common good. Republicans believe that self-interests threaten the institutions of the republic. Communitarian theories agree with the republican idea of shared purpose but are more concerned with citizens' rights. Libertarian theories believe that democratic practice should not interfere with economic markets. And the theory of associationalism holds that people advance their motives by co-operation. In keeping with the idea of change and new interests, it may be seen below how a certain theory or strain within an approach continued on an evolutionary path.

For example, Hirst (1993: 112-135) traces associationalism to the 19th century as a critique of the competitive market society and centralized state power that protected private enterprise. Associationalism then proceeded to advocate social processes that promoted social welfare without compromising individualistic values and civil society. The state was therefore seen as taking responsibility as a service provider. This view was, however, bound to clash with other approaches such as representative democracy, which emphasized the role of oversight rather than service provider.

The liberal democratic tradition underwent further change, and the current context is characterized by the theory of 'deliberative democracy'. Dryzek (2000: 8-30) speaks of the theory of democracy taking a strong deliberative turn. Miller (1993: 74-92) demonstrates the emergence of deliberative forms of democracy in the liberal

approach. In general terms, the main aim of the liberal approach to democracy is to aggregate individual preferences into a collective choice in a fair and efficient manner (Miller, 1993: 74-92). As there are many views in a democracy, the political institutions must be able to reflect the different beliefs and interests present in society. The problem is to find the institutional structure that best meets the requirements of efficiency and equality. In doing so, liberal democracy must choose between the options of majoritarian decision-making or a pluralist system where different groups in society are allocated different amounts of influence over decisions in terms of their interests (Miller, 1993: 92).

The deliberative democratic view is very conscious that political preferences will conflict and that the purpose of democratic institutions must be to resolve these conflicts. However, it envisages this occurring through an open and uncoerced discussion of the issues at stake with the aim of arriving at an agreement.

One way of achieving such public agreements is through the direct democracy view which is characterized by a regime in which the population as a whole votes on all the most important political decisions (Budge, 1993: 136-155). Such a procedure may be contrasted to representative democracy where parliament, consisting of the representatives of society, votes on all political decisions. However, direct democracy obviates the need for an executive and chooses to adopt policies through direct representation and especially designed decision-making procedures.

The direct democracy approach may be subjected to vigorous criticism. Chief among them is the general suspicion as to whether citizens voting *en mass* are adequately qualified to decide on complex policy issues. However, it can be clearly seen that participation forms the central theme in the philosophical and ideational propositions described above. Each may be examined independently of others, but they all are linked

to, or converge with, democratic theories either through an identifiable strain or overlap with others giving content to a participative format.

2.3.2 Participation in *political society theory*

The literature refers to two distinct social formations: civil society and social movements. Civil society is a prominent feature of the research as it constitutes a social partner in the participation discourse and processes. The idea of civil society and the idea of consulting them as important for good governance were first advanced by John Stuart Mill (D'Souza, 2002: 1). While the civil society formation will be addressed in Chapter 4, it will be introduced here in so far as it relates to social movements.

The term 'civil society' refers to a range of free associations which are located between the state and the family and are based on notions of social and political autonomy and voluntary membership (Greenstein, 2004: 27). Civil society is the realm in which citizens associate with one other in order to ensure that government and state institutions respond to their needs and are accountable to them (Landsberg, et al, 2005: 2). Citizens must therefore have independent access to means to organize, including resources and legal space. The main idea is that civil society must be capable of engaging the instruments of state, thereby serving as the voice of the disadvantaged and poor sections of society.

Houtzager et al (2003: 3) however propose the idea that there is no civil society sector as such, but a diverse array of actors with different capabilities and interests. Rather than being seen as an autonomous, democratizing force in opposition to the state, civil society should be viewed as a set of actors whose capacity to organize is influenced by their internal organization, their links with other actors, and by the way institutions are designed.

The function of civil society as agency and not as an alternative to the democratic state or democratic institutions is an important characteristic. Civil society therefore complements the state and its institutions. It constantly interfaces with the state, and the state in turn promises to protect its freedom to associate. This is crucial when contrasting the role of civil society to social movements. Social movements are a section of civil society that pursues social and political agendas in relation to the state and its policies but independently of and frequently in opposition to it (Greenstein, 2004: 27). The particular brand of 'new social movements' was given to this section of civil society in South Africa because they were not part of the anti-apartheid struggle. The new social movements did not identify with the two major themes of the anti-apartheid struggle, namely, national liberation and working-class struggle (Greenstein, 2004: 27).

The concept of social movements can be traced to the Indian scholar Partha Chatterjee, who introduced the theoretical concept of *political society* (Greenstein, 2004: 27). Political society is constituted by a range of institutions and *practices* (own emphasis) that fall outside the boundaries of modern civil society, but mediate between the population and the state in post-colonial democracies (Greenstein, 2004: 27). According to Chatterjee, social movements have four distinctive features:

- Many of its activities and mobilizations are illegal, including squatting, using public property, refusal to pay taxes, unauthorized service connections, etc.
- People use the language of rights to demand welfare provision.
- The rights so demanded are seen not as individual rights, but as vested in a collective or a community, which may be very recent in origin.
- State agencies and NGOs treat these people not as bodies of citizens belonging to a lawfully constituted civil society, but as population groups deserving welfare. "The degree to which they will be so recognized depends entirely on the pressure they are able to exert on those state and non-state agencies through their strategic manoeuvres in political society" (Chatterjee, 2001: 177).

Political society, then, is that space within which social movements engage with institutions of the state utilizing legitimate and illegitimate means of struggle depending on circumstances and strategic choices relevant to the issues, authorities confronted, and other challenges. Social movements, therefore, unlike other sections of civil society, may challenge both authority and power structures.

Ballard et al (2006: 3) postulate that social movements advance in terms of three aspects of mobilization: the structure of opportunities and constraints within which the movements may or may not develop; the networks, structures and other resources that actors employ to mobilize supporters; and the ways in which movement participants define or frame their movement. Social movements therefore bridge approaches of the old and new movements, as well as those of liberation and revolutionary organizations.

The social movement concept can be contrasted with the 'people-centred' development approach espoused by the African National Congress in its Reconstruction and Development document (ANC, 1994: 5). 'People-centred' development implied the intervention into the development process of people themselves, as individuals, groups, organisations or communities. The process involved working facilitatively along-side people rather than providing advice or material resources, or organizing structural and policy changes. The overall goal was the movement towards developing consciousness so that people could exert their power over their own lives and futures.

The contrast between the social movement and people-centred approaches shows up the chasm between them as well as the potential for conflict. Such chasms and conflicts may arise from any number of possibilities, ranging from ideologies to processes. The local context must therefore be sensitive to potential conflict in civil society relations.

The South African political society is well represented at both national and local spheres. At the national sphere, organizations are engaged in issues of health and HIV/AIDS; land re-distribution; housing; the informal sector; and anti-privatization. In the local sphere, organizations engage with issues of basic services including housing, electricity and water; infrastructure; and citizens' forum. Social movements from both these spheres converge at some point around common issues, including representing their constituencies in continental and global forums.

The research postulates that political society and other issues present major challenges for governance at the local sphere in general and to the eThekweni municipality as the study. In general, Tapscott (2006: 1), for example, argues that despite the state's effort to devolve meaningful power to the local sphere, the preconditions for effective decentralization (and participation)...are not yet in place in all parts of the country and the policy has, in the short run at least, set many local authorities up for failure. This failure may ultimately lead to reversals in efforts to deepen democracy and to take government to the people. In particular, the research will raise those local challenges extrapolated from the empirical study. These challenges will be summarized in the concluding chapter of the research.

2.3.3 Participation in *governance theory*

The shift from 'government' to 'governance' represents one of the important theoretical developments in political science over the last decade (Pierre, in Fischer, 2007: 1). The concept of governance has evolved around new demands and problems in politics and the provision of public services.

According to Hyden (1992: 5), governance gained particular significance in African development literature in the late 1980s as a result of an increasing crisis in the continent. An unprecedented study by the World Bank during this period identified the

crisis in the continent as one of governance. The crisis in governance was as a result of extensive personalization of power, the denial of fundamental human rights, widespread corruption, and the prevalence of un-elected and unaccountable government (Narayan, et al, 2000: 172).

Stoker asserts that governance signifies a change in the meaning of government: “a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed” ...in contrast to: “the formal institutional structure and location of authoritative decision making in the modern state” (Stoker, 1998: 34). For Stoker, the concept governance is wider in meaning for the following reasons:

- Governance directs attention to the distribution of power both internal and external to the state.
- Governance focuses on the interdependence of governmental and non-governmental forces in meeting economic and social challenges.
- Governance concerns itself with how collective action is met and the issues and tensions associated with this shift in the pattern of governing (Stoker, 1998: 34-35).

In essence, the concept ‘governance’ emphasizes the emerging system of self-governing networks with civil society instead of old forms of managerial control which are bureaucratic, top down and centralized. Governance symbolizes democracy, enabling the participation of people in decision-making and the fragmentation of power to the lowest level of government, i.e. at the local government level (Pratchett and Wilson, 1996: 1-4; Hyden, 1992: 5-7).

It has been established that one role of civil society is to act as a countervailing power against the state; another view focuses on *deepening* (own emphasis) democracy through the participation of citizens in governance processes (Gaventa, 2005: 7). Cohen

and Fund (in Gaventa, 2005: 7) build on earlier views of participation by arguing that citizens should have direct roles in public choices, or at least have the opportunity for engagement in more substantive political issues. Citizens should also be assured that officials would be responsive to their inputs and concerns. In this view, talk-centric democratic theory replaces voting-centric democratic theory...and accountability replaces consent as the conceptual core category (Chambers, in Gaventa, 2005: 9).

Archon Fund and Eric Olin Wright, in their book *Deepening democracy: Institutional innovations in empowered participatory governance* (2003), developed the idea of 'empowered participatory governance' (Fung and Wright, 2003: 5). Fung and Wright argue that this approach "aspire(s) to deepen the ways in which ordinary people can effectively participate in and influence policies which affect their lives...They are participatory because they rely upon the commitment and capabilities of ordinary people to make sensible decisions through reasoned deliberation and empowered because they attempt to tie action to discussion" (Fung and Wright, 2003: 5). The empowered participatory governance approach is based on the principles of bottom-up participation with the intention of solving concrete problems.

Fung and Wright also point out that representative democracy, associational democracy, and direct forms of democracy can each have 'thin' or 'deep' versions of democracy. In the diagram below, the authors show three democratic forms, namely, elections, associationalism, and direct participation give rise to 'thin' or 'deep' forms of democracy which can be expressed as 'three dimensional democracy' (Fung and Wright, in Gaventa, 2005: 11).

Figure 2.1 Three dimensional democracy

| | Thin democracy | Deep democracy |
|-------------------------------------|-------------------------------------|---|
| Elections and representation | Weak parties, disengaged electorate | Egalitarian, engaged elections |
| Associations | Bureaucratic corporatism | Associative democracy |
| Direct participation | Plebiscitary referenda | Empowered participatory governance |

(Gaventa, 2005: 11)

Gaventa (2001: 1-10) expands the understanding of the concept of “three dimensional democracy” by examining six propositions which rationalize conditions for participation. The six propositions are outlined below:

Proposition one: relating people and institutions

The key challenge of the 21st Century is the construction of new relationships between ordinary people and the institutions – especially those of government – which affect their lives (Gaventa, 2001: 1-10).

The World Development Report 2000/1, *Voices of the Poor* study, illustrates the point that there is a growing gap between the poor and the institutions of government. Many poor people perceive the institutions of the state to be distant, unaccountable and corrupt. The study, conducted in 23 countries, makes the following conclusion:

“From the perspective of the poor people world wide, there is a crisis in governance. While the range of institutions that play important roles in poor people’s lives is vast, poor people are excluded from participation in governance. State institutions, whether represented by central ministries or local government are often neither responsive nor accountable to the poor; rather the report details the arrogance and disdain with which poor people are treated. Poor people see little recourse to injustice, criminality, abuse

and corruption by institutions. Not surprisingly, poor men and women lack confidence in the state institutions even though they still express their willingness to partner with them under fairer rules.” (Narayan, et. al, 2000: 172)

Proposition two: working on both sides of the equation

Rebuilding relationships between citizens and their local governments means working both sides of the equation – that is, going beyond ‘civil society’ or ‘state-based’ approaches to focus on their intersection through new forms of participation, responsiveness and accountability (Gaventa, 2001: 1-10).

Gaventa (2001: 1) and Fund and Wright (2001: 4) argue that there has been a decline in state institutions through deregulation, privatization and reduction in social services. It is argued that responding to this crisis means deepening democracy and seeking new forms for its expression. The institutions of state must be made more responsive and accountable.

On the other side of the equation, it is proposed that the processes of citizen participation be strengthened through new forms of inclusion, consultation and mobilization.

Proposition three: rethinking voice, reconceptualizing participation, and citizenship

The call for new forms of engagement between citizens and the state involves a fundamental rethinking about the ways in which citizens’ voices are articulated and represented in the political process, and a reconceptualization of the meanings of participation and citizenship in relationship to local governance (Gaventa, 2001: 1-10).

There is a growing belief that electoral politics and representative democracy have become passive. There is a need for more inclusive and deliberative forms of engagement between citizen and state. Additionally, the idea is to empower local citizens rather than having them remain passive receivers of services.

A number of examples of innovation practices are evident in India, Brazil, Philippines, Bolivia, Romania, South Africa and Moldova: (Lingayah and MacGillivray, 1999; Gret and Sintomer, 2005; Beall, 2005; Cornwall and Pratt, 2003; Toolkit Participation, 2005; McGee, R, et al, 2003).

Proposition four: learning about the outcomes of democratic processes

While the search for new democratic processes of local governance is critical, far more needs to be learnt about how they work, for whom, and with what social justice outcomes. In general, while there is some evidence of positive democracy-building outcomes, there is less evidence about the pro-poor development outcomes of participatory governance (Gaventa, 2001: 1-10).

The pessimistic perception around participation is that it simply opens up a space for local elites rather than reaching the poor and the marginalized. On the other hand, as indicated by the works cited above, there are good examples of citizens' participation in places such as Kerala, Porto Alegre, even in South Africa, with particular reference to the Treatment Action Campaign (Cornwall, 2004: 1-3).

Proposition five: building conditions for success

The enabling conditions for the better known 'successful' experiments in participatory governance are limited to a few countries. Effective intervention strategies in most

cases therefore must begin with how to create the prerequisite conditions necessary for participatory governance to succeed (Gaventa, 2001: 1-10).

Citing Heller (2001), Gaventa (2001: 3) underscores the enabling conditions for participatory governance in India and Brazil to be the following:

- strong central state capacity;
- a well developed civil society; and
- an organized political force, such as a party, with strong socialistic movement characteristics.

The foregoing has enormous implications for replication of participation mechanisms in settings where these pre-conditions do not exist.

Proposition six: contesting the local in an era of globalization

While the local, and related themes of participation and empowerment are increasingly part of the development discourse, the local has many conflicting political meanings, and is itself a problematic concept, especially in an era of increased globalization (Gaventa, 2001: 1-10).

The local is the site and face for democracy building and citizen participation, where people encounter the institutions of state, politicians and receive services. The problem arises when the local as a site is being contested by different agendas and a variety of actors from grassroots organizations and social movements to political parties, to transnational organizations, including the World Bank, UNDP, and USAID.

It is clear that governance is complex, contested, and multi-layered, but, as indicated earlier, the concept is one of the most important developments in terms of theory,

policy planning, and practice. It is also clear that the local is where governance and participation are manifested. Therefore the concepts of governance and the local form the primary foci of the research.

2.3.4 Participation in feminist theory

The South African literature on the participation of women is not developed, both as theory and research. There is consensus, however, that gender perspectives, in particular women's voices from local communities and rural environments, must be included in development discourse and project management. This means acknowledging and including knowledge, lessons, and experiences of women's lives, habits, power relations, culture, and ways of thinking, in planning and participatory processes.

The South African government is known for advances in gender representativity in all spheres of state, including national and provincial parliaments as well as local government, public enterprises and entities. Women voices are increasingly more evident in public life. There is growing evidence also that gender frameworks and tools are being implemented in project management. These include the Harvard Analytical Framework, the Moser Framework and the Gender Analysis Matrix (Water Research Commission, 2006: 19).

Theoretically, the research has to rely on established feminist participatory theory, in particular the postulations of three contemporary international authors.

Young's theory of group democracy rejects liberalism on the grounds that it privileges the pursuit of private life and promotes the masculine character (Young, 1990: 121-129). Drawing from Rousseau, she calls for a revitalized public sphere: freedom lies in participation in genuine public discussion and in collective decision-making (Young,

1990: 116). The ideal is the participation of groups of citizens in the public sphere who speak from their specific experience and interests as well as having rights to propose policies on the basis of those interests and to veto others that might affect them. Groups of citizens are identified according to set criteria, including disadvantage in terms of exploitation, marginalization, powerlessness, cultural domination and/or the experience of racism (Young, 1990: 122).

Phillip's theory of representative democracy also rejects the idea of liberal individualism as masculinist (Phillips, 1994: 2-4). Liberal individualism maintains that all individuals are essentially identical and that any difference between them is irrelevant. According to this view, political representation would adequately reflect all groups in contemporary society. For this reason, Phillips favours quotas (for example, in elections) as a way of equalizing participation in representative democracy.

Mouffe (1994: 4-6) proposes a theory of radical democracy. She also criticizes liberalism for postulating a homogenous citizenship based on masculine lines which has relegated all differences to the margins. Women and minorities experience the most detriment in this arrangement (Mouffe, 1994: 5). Unlike the theories of Young and Phillips above, Mouffe believes in the maximum achievable degree of liberty and equality for all, the aspiration towards complete freedom and equality. Mouffe (1994: 5) believes that in contemporary liberal democracy, it is the universal principles of liberty and equality that provide the '*grammar*' of citizenship. Mouffe (1994: 5) therefore does not subscribe to the dominant feminist view that citizenship must be engendered.

In each of the three theoretical views, the attempt was to look beyond liberalism, as well as beyond the ideas of universalism and individualism in liberal theory. Feminist theory then appears to develop a genuine universalism that is inclusive of all citizens. Feminist theory does present problems for analysis, however: how to account for group

identities, essentialism, and uneven development. The research findings below show the need for these questions to be raised in participatory planning processes.

In a study to assess the application of citizenship rights of women in Britain and France, Freedman (1997, 457) concludes that formal equality and rights for women have not led to equal participation by women in political institutions of these two countries. In terms of establishing the effects of women on political institutions, a difference was established in terms of women's motivation for entering politics. Women argued that they did not enter politics for the power and prestige attached to the role, but in order to achieve concrete reforms. The study generalized that women and men have a different relationship to power: "women saw political power as a means to an end, whereas men saw the obtention of political power as an end in itself" (Friedman, 1997, 461).

Benjamin (2001: 68) draws from the work of Maria Mies who coined the term 'capitalist patriarchy'. She argues that the exploitation of women needs to be located within an economic analysis that recognizes that economic processes are never gender-neutral. The patriarchal political economy requires women to pick up the costs, tasks, and responsibilities in the private sphere that were previously met by the state.

Benjamin proceeds to explain the feminization of labour in the following four areas:

- the formal sector in relocated large-scale manufacturing industries in Export Processing Zones (EPZ);
- the informal sector in small-scale manufacturing in home-based work, sweatshops, so-called income-generating activities such as ancillary jobs for industry;
- agriculture where subsistence farming is being converted to production for export; and

- the 'service sector', particularly in the sex and tourist industry (Benjamin, 2001: 72).

In South Africa, the feminization of labour and poverty has steadily continued despite the arrival of democracy. This has taken place in three areas: retrenchment of thousands of women from the clothing, textile, leather and other industries; evictions and water/electricity cut-offs in poor communities; and the setting up of EPZs where there is a danger that flexible labour will become the standard (Benjamin, 2001: 72).

In the World Bank study, *Voices of the Poor*, gender relations were summarized as undergoing major changes, creating turmoil at the household level (Narayan, 2000: 109). The study showed that male unemployment and deepening economic stress have placed greater responsibilities on women to seek paid work. The increased earnings for some women, helped increase their decision-making authority in the household. Women also reported heavy workloads as they added livelihood responsibilities to their household duties. Men expressed humiliation and anger over being unable to maintain their role as the household's main or sole breadwinner. The study also revealed rising alcohol and drug abuse among men and increased domestic conflicts in some cases. While physical violence against women was reported differently in the research, in some cases levels of physical violence had declined owing to women's increased economic role, and with increased awareness, participation in women's groups, and supportive actions by NGOs, churches, the media and police intervention (Narayan, 2000: 109).

Given the different experiences of gender relations and the changing roles of women, the research proposes that the participatory project must decidedly include both an analysis and accommodation of issues that affect women, and poor women in particular.

2.4 THEORY AND PRACTICE OF PARTICIPATION

2.4.1 Participatory typologies and protocols

Participation in the development literature is recognized by involving people in decision-making processes. Whereas, in the past, people were the recipients of development assistance in a top-down fashion, participation now means the reverse – people have control and ownership of processes, programmes, and even outcomes.

The discussion below shows the different efforts (in terms of typologies and protocols) to consolidate the meaningful participation of people on the ground.

There are differing approaches to participation. Participation can mean different things to different people in different contexts, leading practitioners to identify seven typologies, including:

- **Passive participation** – where participation is top-down and people participate by being told what is going to happen or has already happened;
- **Participation in information-giving** – where people participate by answering questions posed by questionnaires or similar strategies to elicit information;
- **Participation by consultation** – where people are consulted as professionals, consultants and planners, and the public does not have a share in the decision-making processes;
- **Participation for material incentives** – where people participate with the intention of a return on their inputs;
- **Functional participation** – where people participate in a group context to meet predetermined objectives related to a project;
- **Interactive participation** – where people participate in a joint analysis, the development of action plans and capacity building; and

- **Self-mobilisation** – where people participate by taking initiatives independent of external institutions with the intention of bringing about change (Theron in Davids et al, 2005: 114-115).

Participation can also be observed to progress from a stage of less desirable situation to more desirable situations. These typologies include:

- **Anti-participatory mode** – where participation is considered voluntary and the public is not expected to take part in shaping the outcomes of programmes;
- **Manipulation mode** – where participation includes people in the decision-making processes, programme implementation, and evaluation, as well as sharing in the benefits of projects;
- **Incremental mode** – where participation is aimed at increasing control over resources and regulative institutions; and
- **Authentic public participation** – where participation influences the direction and execution of programmes with a view to enhancing participants' well-being or growth (Theron in Davids et al, 2005:115).

2.4.2 Participation in charters

The above modes and typologies of participation are closely associated with the Manila Declaration on People's Participation and Sustainable Development 1989; the African Charter for Participation in Development and Transformation (ACPDT), 1990; and International Association for Public Participation, IAP2 2002. Generically, they identify the key principles of participation, namely, contribution, involvement, control, influence, and enhancement.

Going directly to the Manila Declaration, it says the following:

“There must be a basic redefinition of participation as applied by most official development assistance agencies, and many voluntary organizations. Conventional practice too often has called for the participation of the community in donor or voluntary development or voluntary organization defined agendas and projects. Donors seek the assistance of voluntary development organizations in the implementation of donor agendas.

Since sovereignty resides with the people, not the state, development assistance must be responsive to the people. In authentic development an assisting agency is a participant in a development process that is community driven, community led and community owned – basic conditions for sustainability. When voluntary development organizations get involved, their commitment must be to serve the people, not the donor.

...People’s capacity for participation in the creation of sustainable communities must be strengthened through efforts to rapidly expand people’s organization and awareness...Simply organizing the people is not enough... There is need for large-scale experimentation to demonstrate the creation of communities that exemplify sustainability, justice and inclusiveness...” (Manila Declaration, in Davids, 2005: 204-205).

Crucially, the Declaration captures the following participation principles that are essential for people-centred development:

- **Sovereignty** - resides with the people who are the real actors of change;
- **Development agenda** – government must enable people to pursue their own agendas;
- **Responsibility and control** - reside with people, while the state must be accountable (cf. Batho Pele Principles); and

- **Enhance capacity** – government and outside agencies must assist and enhance the capacity of people with their development (Manila Declaration, in Davids et al, 2005: 204-205).

The above principles are supported by the African Charter for Participation in Development and Transformation, 1990. The Charter says the following:

“We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitably in its benefits” (Theron in Davids et al, 2005:112).

Finally, the International Association for Public Participation, IAP2 2002 identifies the following core values of participation as:

- the public should have a say in decisions about actions that affect their lives;
- public participation includes the promise that the public’s contribution will influence the decision;
- the public participation process communicates the interests and meets the process needs of all participants;
- the public participation process seeks out and facilitates the involvement of those potentially affected;
- the public participation process involves participants in defining how they participate;
- the public participation process communicates to participants how their input affected the decision; and
- the public participation process provides participants with the information they need to participate in a meaningful way (Theron in Davids et al, 2005:112).

2.4.3 Participation as a social activity

The discussion on the theoretical framework of participation continues in Chapter 3 under categories gathered from the literature, namely, participation as space; participation as dialogue and deliberation; participation as rights; participation as development; and participation as accountability. Before arriving at that point of understanding participation in the categorical terms as they are presented, it may be useful to describe certain participatory practices for the purpose of contrasting theory and experience. Theory on the one hand makes several assumptions about participation and tends to give the impression that participation is an evenly applied concept. The experience on the other hand shows, amongst other things, that participation is context-specific, contested, and has to be modelled according to the needs of the local participatory institutions and actors. The research therefore takes the view that participation is a social activity rather than a purely instrumental one, subject to the creative faculty which can work towards either enhancing or circumventing ideal forms of participation.

In order to show the dividing space between theory and practice, two themes have been chosen: the first critical theme exposes the *levels of participation* that are available to citizens; and the second theme exposes the emerging *participation model* in South Africa. Both themes will assist as points of reference when discussing participation under the different categories set out in Chapter 3.

The first theme of levels of participation follows below.

Arnstein (1969: 217) proposed a 'ladder of participation' that seems to emerge from the literature on participation and development. Arnstein argues that participation can differ in scope and depth and formulates eight possible levels of participation that indicate the extent of the public's contribution.

- **Public control** – The public has the degree of power necessary to govern a programme, project, or institution without the influence of the powerful.
- **Delegated power** – The public acquires the dominant decision-making authority over a particular plan or programme.
- **Partnership** – Power becomes distributed through negotiations between the public and those in power.
- **Placation** – A few chosen members of the public are appointed to committees while tokenism is still the main motivation for the powerful.
- **Consultation** – The public is free to give opinions on the relevant issues, but the powerful offer no assurance that these opinions will be considered.
- **Informing** – A one-way, top-down flow of information in which the public is informed of their rights, responsibilities and options.
- **Therapy** – Instead of focusing on the programme or project, the public's attitudes are shaped to conform to those in power.
- **Manipulation** – The public is part of powerless communities and the notion of public participation is a public relations vehicle for the powerful (Theron, in Davids, et al, 2005: 118).

The above levels of participation moved from manipulation and non-participation at the bottom level to public control and power at the upper level. In the space between these two levels, a degree of tokenism may be found (at the placation and consultation levels).

A somewhat similar approach by Wilcox (1994: 1-3) was developed as a guide to effective participation. It includes ten key ideas about participation, and *levels of participation* is the first of the ten ideas. The ten ideas provide a practical technique for effective participation and include the following:

- **Level of participation** – includes a five-rung ladder of participation.
- **Information** – merely telling people what is planned.
- **Consultation** – offering some options, listening to feedback, but not allowing new ideas.
- **Deciding together** – encouraging additional options and ideas, and providing opportunities for joint decision-making.
- **Acting together** – not only do different interests decide together on what is best, they form a partnership to carry it out.
- **Supporting independent community interests** – local groups or organizations are offered funds, advice, or support to develop their own agendas within guidelines.
- **Initiation and process** – participation has to be initiated by interested actors and consists of processes, meaning that participation has form and dimensions.
- **Control** – usually it is the initiator who can decide on how the participation process unfolds and who has control over what, and how much.
- **Power and purpose** – participation involves the distribution of power and its articulation.
- **Role of the practitioner** – the practitioner develops the participatory processes and may find it difficult to play a neutral role in them.
- **Stakeholders and community** – community represents a complex range of interests and priorities.
- **Partnership** – partnership does not always mean equal participation, because the capacities, commitment and motivations differ and compete.
- **Commitment** – commitment is not automatic, but is sometimes motivated by outcomes or other factors.
- **Ownership of ideas** – success of projects is often dependent upon ownership or stakeholderhood.
- **Confidence and capacity** – success is also dependent upon how people view themselves in action and their state of preparedness for action (Wilcox, 1994: 3).

The ideas presented above attempt to give a logical framework to participation. However, the research shows that participatory practice is far more complex, consisting of inter-connected process. The framework also requires some form of participatory glue in order to hold the participatory processes together. And there need to be other qualities that give it form and meaning. The second theme of the emerging model of partnership in South Africa is therefore introduced at an early stage of the research. As indicated earlier, having a model in mind will help to organize the complex ideas theorizing participation.

The point of departure for this theme is the view of the World Bank which believes that no perfect model for participation exists (World Bank, 1996: 9). The form participation takes is highly influenced by the overall circumstances and the unique context in which action is being taken. Participation has many faces and ways of showing up in the multi-dimensional field of development – a field that embraces many different types of historical, political, cultural, sectoral, and institutional settings (World Bank, 1996: 9). In *The World Bank Participation Sourcebook*, participation is defined as “a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them” (World Bank, 1996: 3).

A senior official of the Department of Provincial and Local Government begins to formulate the South Africa participation model based on the following assumptions:

- Public participation is a fundamental right of all people.
- Public participation is designed to narrow the social distance between the electorate and elected institutions.
- Public participation is designed to promote the values of good governance and human rights.
- South Africans are encouraged to participate as individuals or interest groups in order to improve service delivery.

- Community is defined as a ward in the context of public participation.
- Ward committees are central in linking up elected institutions, and these linkages are reinforced by other forums of communication with communities like the izimbizo, roadshows, the makgotlas and so forth (Sibeko, 2005: 2).

Following from the above, the Draft National Policy Framework for Public Participation (see Appendix 5) provides a framework for public participation in South Africa. The national policy is seen as building on the commitment of the democratic government to deepen democracy, which is embedded in the Constitution and, above all, in the concept of local government, as comprising the municipality and the community (RSA, 2005: 1). The national policy declares that it is committed to a form of participation which is genuinely empowering, and not token consultation or manipulation.

In a nutshell, the process involves a range of activities including creating democratic representative structures (ward committees), assisting those structures to plan at a local level (community-based planning), to implement and monitor those plans using a range of working groups and CBOs, supporting community-based services, and to support these local structures through a cadre of community development workers (RSA, 2005: 1). The national policy also envisages improving the accountability of ward and municipal structures to one another and to the communities they serve, as well as improving the linkages between provincial and national departments to their clients, and so to service delivery and policy (RSA, 2005: 1).

The national policy principles around participation to achieve this reality are stated as follows:

- **Inclusivity** – embracing all views and opinions in the process of community participation.

- **Diversity** – differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation must be allowed to emerge and accommodated.
- **Building community participation** – capacity-building must lead to empowerment of role players.
- **Transparency** – promoting openness, sincerity, and honesty among all the role-players in a participation process.
- **Flexibility** – in respect of timing and methodology.
- **Accessibility** – at both mental and physical levels.
- **Accountability** – all participants are accountable for their actions and conduct as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process.
- **Trust, commitment and respect** – are qualities that facilitate the participative process.
- **Integration** – that participation process are integrated into mainstream policies and services, such as the IDP process and service planning (RSA, 2005: 6-7).

The main components of the model include the 1969 Arnstein 'Ladder of participation', the legislative framework, and an evolving approach with an emphasis on the role ward committees and community-based planning, implementation and monitoring. Its implementation at the local level across 284 municipalities is yet to be understood.

This chapter therefore partly addresses the first research problem, namely, the relationship and apparent tensions between representative and deliberative democratic methodologies in the local government sphere.

2.5 DECLINE OF REPRESENTATIVE GOVERNMENT

The literature shows that ever since government was founded, it has been the target of reorganization and reform. From a public administration view, these reforms concerned the efficiency, or the lack of efficiency, of the public sector, and the perceived inability of government to manage itself as well as other organizations in society (Peters, 2004: 3). The key motivation for the reforms has been from citizens to be more responsive to their demands. Therefore the key intervention has been the attempt to involve the public more directly in governing and in the choices of policies. And the label for these changes in the public sector has been 'governance', with other concepts being 'empowerment' and 'participatory governing' (Peters, 2004: 3).

Reforms in governing have been ongoing in many countries since the 1960s. Kraemer (1967, in Peters, 2004: 4) points to examples of reorganization of government in Northern Europe since the 1960s; in the United States through the 'National Performance Review' in the 1980s; and in Canada through the 'Programme for Citizens Engagement' in the 1980s. The government of South Africa has also begun to institutionalize several mechanisms that permit the public to influence government and to prevent it from being abusive, as it was in the past (Peters, 2001: 172).

The literature shows that the chosen governance instrument of deliberative democracy features high in the reforms. A summative meaning of deliberative democracy appears to be that decision-making must go beyond the 'aggregative model of democracy' (Farrelly, 2004: 5). This model explains only a part of the decision-making process; that is, it indicates the preferences of the majority of people through the voting process. The aggregative model is considered problematic as it undermines the ideal of democracy which centres on participation and enlightened understanding (Farrelly, 2004: 5). Voting as political act is therefore rejected by deliberative democrats as a narrow conception of

participation. Hence the shift from representative government to participative governance.

Harbermans had the idea that democracy was about transformation rather than the aggregation of preferences (Elster, 1998: 1). Therefore representative democracy was once considered an innovation in democratic theory. The power to select representatives and punish them retrospectively thorough de-selection apparently gave electors a certain influence in enforcing their interests (Budge, 2005: 1). In between elections, however, the representatives were free to vote in the public policies that they, and not necessarily the electors, wanted.

In 19th century political thought, John Stuart Mill indicated his suspicion of the public representative on the basis of human fallibility. The 'delegate model' could go wrong for several reasons, including: the unwillingness by representatives to 'give-and-take', essentially share ideas; the belief by representatives that they have higher intelligence, virtue and education compared to the electors; and the failure by representatives to promote the common good (Elster, 1998: 4).

It was Pratchett (in Ryfe, 2005: 2) who observed that there was nothing particularly new about public participation as a supplement to representative democracy. Governments routinely solicit public comment, hold public hearings, and issue reports on their activities. But deliberative democracy hinges on more than public consultation. Deliberative democracy holds that ordinary people must have a hand in actual decision-making. The idea is that public decisions ought to be influenced in some way by citizens. This means that citizens must participate actively in the process of decision-making.

Perhaps the gravest criticism of representative democracy is summed up by Putman and Tommasoli separately. For Putman, it is the unhappiness with social institutions, including representative government, which ironically emerged at the moment of liberal

democracy's greatest triumph (Putman, 2002: 3). For Tommasoli (2005: 4), despite the significant steps towards democracy in the last two decades, problems of consolidation are evident. These problems include that the few benefits in terms of more equality and better governance has left people disenchanted. The actual experiences differ in different countries, but the main issues tend to be the existence of semi-authoritarian regimes and the manipulation of the electoral systems. Electoral systems can create political elites, crowd out opposition, and bias voter registration. Additionally, political parties tend to fail to inspire trust or respect, and sometimes do not demonstrate a worthy role between elections.

Democracies also contain divisions in terms of ethnic, religious, and social divides and in some cases may be magnified and polarized within competing political forces. In terms of gender politics, the representation of women in the political system has also failed.

According to the IDS, it is widely believed, therefore, that the conventional electoral democracy lacks much of the essence of 'genuine' democratic governance (IDS, 2006: 1). Basically, citizens hand over decision-making power to a handful of elected representatives and are rarely engaged in debating and understanding the choices that these representatives make (IDS, 2006: 1).

Other problems associated with representative democracies with regard to their development and consolidation, their effectiveness and their sustainability, are set out by Tommasoli, in a conference paper:

- Since democratization is not a linear process, it moves from authoritarian to democratic regimes.
- Democracies often stall or regress into lawlessness and violence.
- Democracies can remain fragile long after multi-party elections have been established.

- Democracy can thrive with the basic conditions of human security and a political culture that allows for the rule of law and protection of basic freedoms.
- Democracies may also be mismanaged, unable to deliver public goods and welfare and assist economic growth.
- Expectations of democracy may be higher in newly established democracies, and the euphoria of transition can be a specific problem, as it often contains the seeds of disillusionment.
- Weaknesses in the political processes can emerge and re-emerge in long-established multi-party systems (Tommasoli, 2005: 3).

The demise of representative government is summed up by Roberts:

“The demands for direct citizen participation in issues of basic welfare and quality of life expanded in the last two decades of the 20th century. A confluence of voices from students, union members, working and middle-class (people), government workers, environmentalists, feminists, and consumers amplified the movement. Becoming more suspicious of the growing size of government, the power of experts, and the effect of technology, activists of all persuasions wanted more direct control and power in the decisions that affected them. To date, these voices and their demands have not shown any signs of abating” (Roberts, 2004: 322).

Reflecting on the South African context, the Member of the Executive Council of the Western Cape Province summed up the decline of representative democracy at the local sphere in the following statement:

“Participatory democracy is often contrasted with the idea of representative democracy. In the context of municipalities, representative democracy is the election of citizens to act as their representatives in the decision-making structures and processes of the municipalities. They are normally elected for a five year period. These elections are an

important cornerstone of our democracy, but there is the danger – and often a cry of ordinary people – that they (prospective representatives) only come to the people when they need their votes. Participatory democracy is intended as a corrective – it refers to the ongoing process of debate, dialogue, and communication between the local government authority and the community” (Dyanty, 2005: 7).

The literature clearly shows definitive shortcomings of representative democracy. The research therefore submits the view that participation is growing in popularity, and these participation formats are discussed below.

2.6 PARTICIPATION ACCORDING TO CATEGORIES

The effort to capture themes and approaches of participation in the chapter is by no means complete. The approach taken is to present participation in categories according to particular meanings, such as participation as democratic form; participation as space; participation as dialogue and deliberation; participation as rights; participation as development; participation as decentralization; and participation as accountability. The categories of participation identified will also refer to the decline of representative democracy. Each category is discussed below.

2.6.1 Participation as democratic form

Participation in the literature is seen in two ways: firstly, as democratic theory and, secondly, as a contributor to human development. Participation as democratic theory emerged through the dissatisfaction with the representative system of government that was dominated by an elite group of citizens. The question of how well elites ruled through the representative system has been a subject of wide debate. Some of these

concerns have been set out above and below, and some of the chief initiators of the new approaches are highlighted.

The broad approaches to participation and democratic governance may be summarized according to the views of the leading development organizations:

- **World Bank** – Good governance is epitomized by predictable, open and enlightened policy making (i.e. transparent processes); a bureaucracy imbued with a professional ethos; an executive arm accountable for its actions; and a strong civil society participating in public affairs, all behaving under the rule of law (Pieterse, 2000: 4).
- **UNDP** – Governance can be seen as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate differences. Good governance is, among other things, participatory, transparent and accountable. Good governance ensures that political, social and economic priorities are based on a broad consensus in society and that the voices of the poorest and most vulnerable are heard in decision-making over the allocations of development resources (Pieterse, 2000: 4).
- **Habitat** – Good governance can be defined by how well a population, its representatives and agents, identify and deal with major social, economic and environmental issues that stand in the way of improved quality of life for all citizens. Urban governance can be defined as an efficient and effective response to urban problems by democratically elected and accountable local governments working in partnership with civil society (Pieterse, 2000: 4).

Additionally, the following statements summarize some of the basic arguments in support of participation:

- **Direct citizenship participation is developmental** – Participation develops human capability, moral character and virtue.
- **Direct participation is educative** – Participation develops the attitudes and skills of citizenship, making the system more democratic.
- **Direct citizen participation is legitimizing** – Participation allows citizens to give their consent to decisions, thereby legitimizing governance and producing stability within the system.
- **Direct citizen participation is protective of freedom** – Participation enables people to remain their own masters and ensures that no one dominates over another.
- **Direct participation is instrumental** – Participation is a mechanism for those without power and voice to create change.
- **direct participation is realistic** – Participation is essential in modern society, and it is impossible to govern without the consent of the governed (Roberts, 2004: 322-324).

Participation is also known for its negative side, summarized as follows:

- **Direct participation is unrealistic** – Many doubt the ability of the masses to make a positive contribution to governance.
- **Direct participation is based on a false notion** – Since human nature is flawed, participation will be affected by people's passions, selfishness, passivity and apathy.
- **Direct participation is inefficient** – Government is too big to support face-to-face relationships on which participatory democracy depends.

- **Direct participation is politically naive** – Governance is reliant on the informed and knowledgeable elite and requires only a small minority to be active and directly involved in politics.
- **Direct participation is costly** – Participation is a luxury that modern societies cannot afford; it requires skills, resources, money, and time most citizens do not have.
- **Direct participation is disruptive** – Too much citizen involvement heightens political conflict and is dysfunctional.
- **Direct participation is dangerous** – Participation can lead to extremism and totalitarianism (Roberts, 2004: 324-326).

The observation of the research is that it appears that the concept of participation is the *sine qua non* of a democratic society (Clapper, in Bekker, 1996: 52). Participation is seen as an end in itself and as an essentiality to the continued existence of democracy. This view of participation is criticized in the literature and in this work.

2.6.2 Participation as space

Conventional participation of the 1980s was commonly known either as citizens voting in periodic elections or as local beneficiaries receiving some service in development projects implemented by an external agency. The narrow conception of participation was limited to community participation embracing short-term goals. More recently, participation is known more as autonomous actions of citizens who create their own opportunities and terms for engagement, thereby offering new ways of configuring *space* to participate (Cornwall, 2002:4). In slightly different terms, Cornwall writes that the new practices of participation consist of “intermediate spaces that reconfigure the boundaries between citizen and state, creating spaces for participation in which agents of the state and citizens (can) interact in new ways” (Cornwall in, Fisher, 2007: 6). These spaces reconfigure the scope of formal governance institutions.

The notion of *space* appears to be derived from different versions of democratic processes and can be found in the following developments:

- whereas elected representatives had the right to shape decisions, citizens themselves claim the right to influencing decisions that affect them;
- citizens have become part of the state by taking part in deliberative institutions that make allocative decisions;
- the devolution of statutory service delivery functions to citizens has created new arenas outside the state for citizen engagement;
- legislative reform for citizen participation has taken place; and
- activism by social movements which have demanded more accountability (Coelho, in Cornwall, 2002: 4).

Cornwall borrows from two political thinkers to define the idea of *space*. The first is Harbermans (1984) , who “conceives the public sphere less as a designated site than a generalized and diffuse web of institutions that offer spaces for the public to voice, share and debate opinions, arriving at common positions through rational argumentation” (Cornwall, 2002: 4).

The second is from Arendt’s 1965 notion of public domain – what she “terms the space of appearance – is not a particular place, nor is it restricted to a set of institutions...it is those arenas in which people and ideas come into public view, and from which people derive a sense of having a world in common...impermanent and fleeting, it arises when people come together to pursue common goals, existing only through action and recreated anew through collective political activity, emerging slowly through long-standing efforts to change policies or suddenly in popular protest” (Arendt, in Cornwall, 2002: 4). There is also a further dimension of space in the public realm, namely, the space between people that both connects and separates them (Cornwall, 2002: 6).

In contrast, for Lefebvre, “space is a social product...it is not simply ‘there’, a neutral container waiting to be filled, but is a dynamic, humanly constructed means of control and hence of domination, of power” (Lefebvre, 1991: 24). Space is produced, meaning that it is the outcome of past actions. Space functions in ways that permit new actions; enable other actions and finally, block other actions. Social relations therefore exist only in and through space; they have no reality outside the sites in which they are lived, experienced and practised (Cornwall, 2002: 6).

Using Lefebvre’s analysis of space, the following action spaces are possible:

- officialised space such as public consultations or user groups;
- unofficial spaces and spaces of everyday life;
- invited spaces such as local government;
- closed spaces such as those where certain actors are excluded;
- popular spaces for gatherings; and
- claimed spaces where people come together in protest against government policies or foreign interventions (VeneKlasen, et. al., 2004: 5).

Space is used both as a metaphor and as literal descriptor of arenas where people may gather. These spaces could be temporary or more enduring. These spaces can be regularized by governments or they may appear from time to time in transient forms depending on the circumstances of people. Local government in South Africa may be referred to as ‘invited spaces’ where citizens participate in local matters through a variety of mechanisms (for example, referenda) and processes (for example, social dialogue).

2.6.3 Participation as dialogue and deliberation

Dialogue and deliberation have become popular in communication and political science, particularly in reference to the role of public discourse in participatory models of democracy. Public deliberation can be defined as a problem-solving form of discourse which involves problem analysis, setting priorities, establishing evaluative criteria, and identifying and weighing alternative solution (Levine, et al, 2005: 8). Dialogue is the first necessary engagement to deliberation. Dialogue navigates through the differences brought together in groups and sub-groups. Dialogue is concerned with linguistic, social and epistemological differences in groups. For example, one person's preferred form of showing respect may be different from others' or one group may have a competing claim over another, and so on.

In a paper by the Deliberative Democracy Consortium (DDC, 2004), deliberation is defined as "a discursive approach to decision-making in which citizens come together in a non-coercive environment to identify and discuss public problems and possible solutions. During deliberation, participants consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions, and understandings. Ultimately such processes of group reflection are used to render a public judgment as to the best course of action" (Deliberative Democracy Consortium, 2004: 3).

The Consortium outlines the following rationales for deliberation:

- **Instrumental rationale** – Citizen participation in policy formulation and decision-making can reduce conflict.
- **Substantive rationale** – Citizen participation can lead to better, longer lasting, and wiser policy choices.
- **Civic rationale** – Citizen participation builds citizen competence.

- **Empowerment rationale** – Citizen participation gives greater authority and opportunities to problem-solve which impact on outcomes and also builds the capacity of citizens.
- **Social capital rationale** – Citizen participation cultivates mutual understanding, builds bonds of trust among citizens, decision-makers and governing institutions, and can effect changes in political attitudes and behaviour.
- **Normative rationale** – Citizen involvement in decision-making is something governments should do (as matter of course) (Deliberative Democracy Consortium, 2004: 8).

According to the DDC, one of the main concerns of the critics of deliberation is that such spheres may reproduce the inequalities of society at large (Deliberative Democracy Consortium, 2004: 8). While citizens may gather to debate as equals, domination by some may occur due to the uneven distribution of power. For example, the setting may favour male-centred citizenship. Or inequalities may be fostered through the dominance of a political party in control of a sphere. The inequalities have implications for decision-making and therefore call for procedures such priority setting in policy planning (Deliberative Democracy Consortium, 2004: 8).

The approach to language in deliberation can also create inequalities. Bourdieu (in Baiocchi, 1999: 4) shows how deliberation and participatory democracy reproduce certain types of hierarchies. On the one hand, it would tend to reproduce class hierarchies; on the other, it would tend to reproduce hierarchies of political competence such as 'experts' against 'non-experts'. Language may therefore be seen as both an instrument and a medium of power. An example of instrumental inequality of language is highly technical discussions being foisted onto people. And the medium of power may, for example, be the very competence to speak which embodies difference and inequality.

2.6.4 Participation as rights

Rights are often associated with human rights, and there are international legal standards associated with these. However, the right to participation is probably a more empowered form of engagement than participation by invitation of governments, donors, or higher authorities (Gaventa, 2004: 154). International research shows that one area in which rights to participation are embodied into law is that of local governance (Gaventa, 2004: 154).

Gaventa (2005: 14) also argues that any view of democracy also implies a view of citizenship, and the rights and duties associated with it. Rights associated with democracy include not only political and civil rights, but also social rights and, in some views, the right to participation, including the right to claim rights and to create new rights through social demands.

Cornwall (2003: 1) suggests that there is renewed concern with rights, power, and opinions about participation in governance. Greater attention is being focused on the institutions that articulate between communities, providers, and policy makers. The idea is how to create greater opportunity for deliberative democracy. And it is believed that citizen participation makes for better citizens, better decisions, and better government.

Lundberg (2004: 1-2) addresses the human rights-based approach in association with development, in particular decentralized governance. Lundberg proposes that a human rights approach to decentralized governance is critical to protecting and promoting the freedom of men and women to lead the kind of lives they choose in dignity, free from injustice and humiliation. Lundberg suggests that the approach to rights-based decentralized governance should attend to three critical functions: monitoring, co-ordination and engagement:

- **Human rights monitoring** – A human rights approach must include a process of regular assessment of the status of human rights accomplishments and failures in particular areas.
- **Co-ordination of local and national priorities and programmes** – Budgeting and programme planning systems need to be redesigned to ensure local empowerment have an impact on central budget and utilization. System coherence is critical because local and national government moving at cross purposes can easily undermine any gains made through the decentralization process.
- **Engaging public ownership** – Decentralized governance potentially provides a vital platform for regular review of achievement in human rights and serves as a mechanism for flexibly integrating national and local development programming priorities into a coherent whole (Lundberg, 2004: 1-2).

While human rights may be a celebrated cause for many organizations, the critical challenge is perhaps the need to ensure that formal rights are actually realized in people's lives (VeneKlasen et. al., 2004: 1). This concern has become known in the literature as 'rights-based approaches' to development. The authors list the following considerations in the rights-based approach to development:

- Include marginalized groups as decisions-makers and foster their critical consciousness to influence and transform power dynamics that affect their lives.
- Go beyond token consultations in projects and policy to local groups being involved in agenda setting and having the ability to hold government accountable.
- Build new leadership, expand strategic and political experience, and foster informed citizenship.

- Change decision-making structures and processes to be more inclusive of citizens' interests.
- Promote individual and group rights and link them to problems and solutions.
- Unpack assumptions about equality of power and homogeneity of poor communities.
- Unravel power hierarchies within communities.
- Supplement local choices with expert knowledge.
- Recognize the differences between closed, invited and claimed spaces of participation (Veneklasen et. al., 2004: 6).

The rights-based approach can therefore be seen to go beyond a narrow focus on technical skills such as those of political analysis, capability for assessing contexts, risks, power and causes of problems. However, there is the criticism that the rights approach does not necessarily include the issues of accountability and capacity to deliver resources and justice. It is also believed that the rights approach does not develop people's sense of citizenship or capacity to reshape power (Veneklasen et. al., 2004: 7-8).

Gaventa (2002a, 4), however, views the rights-based approach as opening up spaces for an understanding of citizenship. Given shape by human rights and developmental thought, *participation itself has been reframed as a fundamental human right and citizenship right* (own emphasis). The convergence of new spaces for participation and good governance has therefore produced new concepts of 'citizenship participation', 'participatory governance' or 'participatory citizenship' (Gaventa, 2002a, 4). Gaventa cites Lister to assert the point:

"...the right of participation in decision-making in social, economic, cultural and political life should be included in the nexus of basic human rights...citizenship as participation can be seen as representing an expression of human agency in the political arena,

broadly defined: citizenship as rights enables people to act as agents” (Lister, in Gaventa, 2002, 5).

2.6.5 Participation as development

Participation has featured in the development discourse since the 1980s and has come to take on varied meanings. Mostly, the concept refers to participation in the social arena, in community or in development projects (Karl, 2002: 5; Gaventa: 2002a: 5). The spatial metaphors in development discourse are a direct reference to processes of development. The concepts seen in the literature include ‘opening up’, ‘widening’, ‘broadening’, ‘extending’ and ‘deepening’ in referring to new opportunities or spaces for citizens and civil society to participate in development decision-making (Cornwall, 2002: 1).

The relationship between democracy and development is a common feature in the literature. Stiglitz (2002: 163-182) argues that participatory processes (such as ‘voice’, ‘openness’ and ‘transparency’) promote successful long term development. Stiglitz stresses that an understanding of the centrality of open, transparent, and participatory processes in sustainable development helps to design strategies and processes that are more likely to lead to long-term economic growth and thereby to transformation of society. Put in the words of Stiglitz, the development paradigm sees development as a transformative movement:

“Development represents a transformation of society, a movement from traditional relations, traditional ways of thinking, traditional ways of dealing with health and education, traditional methods of production, to more ‘modern’ ways. For instance, a characteristic of traditional societies is the acceptance of the world as it is; the modern perspective recognizes change, it recognizes that we, as individuals and societies, can take actions that, for instance, reduce infant mortality, increase life spans, and increase

productivity” (Stiglitz, 2002: 164). Stiglitz’s ‘comprehensive development paradigm’ includes the following:

- **Participation is broad range** – Participation includes all spheres of government, the workplace and capital markets.
- **Corporate governance and economic efficiency** – Corporates are public institutions as they collect funds from the public for investment in productive assets. Workers, stakeholders and managers therefore have a fiduciary position of trust. Corporate governance laws must therefore promote equity and economic efficiency.
- **Making change acceptable and the acceptance of change** – Development requires a change of mind set and, since change is often threatening, participatory processes ensure that concerns are addressed, thereby dissipating resistance to change.
- **Participation and project effectiveness** – Participation brings with it commitment (to greater effort), making projects and programmes successful.
- **Knowledge economy** – The knowledge economy leads to change. Success in a knowledge-based economy will require a highly educated citizenry, which makes participation more effective.
- **Participatory process and effectiveness of decisions** – It was previously thought that participatory processes inhibited quick decision-making for rapid economic growth. However, the evidence for this claim has not been established. Instead, the literature focuses on the advantages of decentralized decision-making.
- **Participation and political sustainability** – When democratic processes work well (that is, when the majority does not simply impose its will on the minority, or conversely), they promote a process of consensus-building (Stiglitz, 2002: 164).

As part of the development discourse, the concept of the 'developmental state' is generally used to mean a state that drives development, in contrast to a free-market approach. The concept originated from the experiences of the industrializing states of Asia. The initial conceptualization of the developmental state is accredited to an Asian studies scholar named Chalmers Johnson from the United States. The critical element of the developmental state was not its economic policy, but its ability to mobilize the nation around economic development within the capitalist system (Johnson, 1999: 53; COSATU, 2005: 6).

The concept of the developmental state has a peculiar intellectual history which derives from the experience of industrialization in Japan, Korea and Taiwan. Johnson observed that the developmental state emphasized its ability to drive development by guiding capital toward new activities while maintaining broad-based support, including from workers and civil society.

The view of the leading trade union federation in South Africa, the Congress of South African Trade Unions (COSATU) emphasized the need for, in the words of its Central Executive Committee in 1997, "an active, interventionist state ... to achieve our goals of economic development..." (in COSATU, 2005: 9). COSATU's submission on the Industrial Development Amendment Bill in 2001 argued that "...a basic strategic requirement for progressive industrial policy measures is for the state to play a planning, co-ordinating, and propelling role" (in COSATU, 2005: 9). The Social Equity document submitted to the Presidential Jobs Summit in 1998 argued for "a multi-year planning tool to ensure the effective development of the public service must be recognized ..." (in COSATU, 2005: 9). The federation also quotes the RDP which called on the democratic state to play a leading and enabling role in reshaping the economy. It argued that the inherited state suffered from 'excessive departmentalism' leading to uncoordinated, sometimes contradictory, decision-making by various state agencies. Therefore COSATU called for RDP structures in every sphere of government:

- to overcome tendencies to fragmentation of different government departments, which would require real powers of coordination and an appropriate budget; and
- to ensure *consultation, especially with representatives of workers and the poor* (COSATU, 2005: 10).

Given its support for the developmental state and a comprehensive development strategy, the trade union federation puts the following policy questions forward:

- Is there a contradiction in the short run between the democratic state's welfare orientation and a rigorous prioritization of economic development?
- Can COSATU support the kind of "plant-level corporatism" described in large Asian companies?
- What sort of co-ordination or planning would best support development while *strengthening participatory democracy*? (COSATU, 2005: 14-15)

In contrast to the trade union view, Edigheji, like Stiglitz above, rejects the classical democratic state traditionally defined as "...the extent that its most powerful collective decision makers are selected through fair, honest and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote ...this has become the dominant way in which democracy is conceived" (Edigheji, 2005: 3). Edigheji then reflects upon those concepts that are emphasized in liberal democracy including: choosing leaders through participation; equality; political tolerance; accountability; transparency; regular, free and fair elections; economic freedom; control of the abuse of power; a bill of rights; separation of powers; accepting the results of elections; human rights; a multiparty system; and the rule of law, as advancing political and social rights. But this approach is technicist, with an emphasis on professionalism, political politics, and civil society. This approach overlooks the fact that

citizens make democracy. As a result, the following changes in the conceptualization of democracy have occurred towards the conceptualization of the African democratic developmental state:

- civic identity has replaced consumer identity;
- co-operation has replaced conflict;
- commonwealth ascended over private wealth;
- citizen participation has replaced apathy and disengagement; and
- everyday politics is preferred over career politics (Edigheji, 2005: 5).

Democracy and development must therefore go hand in hand - mutually reinforcing each other through socio-economic justice. Some of the objectives of the democratic developmental state include:

- the alleviation of absolute and abject poverty;
- the correction of glaring inequalities of social conditions (between genders, classes, regions, and ethnic groups);
- provision of personal safety and security; and
- the tackling of looming threats such as environmental degradation (Edigheji, 2005: 5).

In commenting on the role of the developmental state, Borat and Kanbur (2006: 13) summarise the shifts in people's welfare in the South African post-apartheid period in terms of five trends:

Firstly, there is evidence of an increase in both absolute and relative income poverty when using standard measures of poverty. Secondly, there has been an increase in income inequality, as well as a rise in the share of within-group inequality. Thirdly, despite government's claiming some employment growth, the rapid expansion of the

labour force has resulted in increased unemployment rates. Fourthly, on the positive side, with fiscal resource shift, there is wider access to basic services for poor households. Fifthly, the changes in poverty and well-being have occurred within, have influenced and been influenced by, an environment of temperate economic growth rates (Bhorat and Kanbur, 2006: 13-14).

From the perspective of the World Bank, the state has been central to the development process with the market and civil society increasing their roles progressively. The World Bank's World Development Report 2004 lists the following fundamental tasks of the state:

- establishing a foundation of law;
- maintaining a non-distortionary policy environment, including macro-economic stability;
- investing in basic social services and infrastructure;
- protecting the vulnerable; and
- protecting the environment (World Bank, in UNDP, 2003: 7).

The World Bank's World Development Report 2004 focuses on making services work for poor people. The report claims that generally services have failed poor people, but governments acting with citizens can, and should, make them work better. Where innovative arrangements were implemented, human development has occurred. These successes have shown various characteristics such as accessibility, affordability and quality (World Bank, 2004: 4). The Bank therefore claims that governments and citizens can make services work for poor people by:

- opening up budget processes to civil society;
- linking the budget to an explicit poverty strategy, such as Poverty Reduction Strategy Papers (PRSP);

- decentralization;
- private-public partnerships; and
- community-driven development (World Bank, 2004: 5).

Against this background of the meaning of the development state, the South African government views itself as playing dual roles: firstly as an actor in providing services and helping create an appropriate environment for development; and secondly, as a leader in forging common cause among the variety of social actors (RSA: 2005: 10). Therefore one of the major challenges of the development state in the next decade would be “to...promote greater participation and interaction of people with the state...Since 1994, the state has provided many new opportunities for ordinary people to get involved in governance ranging from ward committees, the IDP process, the Chapter 9 institutions, the National Economic Development and Labour Council (NEDLAC), and management of pension funds and workplace forums. Yet, actual participation in these structures and/or the capacity to take advantage of their existence has been limited to mainly special interest groups, and/or hindered by considerations of short-term self-interest. Government should continue to seek new ways of encouraging people to utilize their freedoms” (RSA: 2005: 109).

However, the concept of development and its alignment between the World Bank and the South African state has not gone unnoticed by critics. Williams, for example, observes the following short comings of the Bank’s approach to development:

- The Bank follows a sectoral, atomistic approach to development issues by emphasizing specific concerns as if they occur in isolation from the socio-economic context.
- The Bank fails to take into account the multi-faceted dynamics of social change in South Africa.

- The Bank emphasizes only the urban economy which focuses on the GDP which in turn is focused on the fiscal, financial and real estate components.
- In terms of development, the Bank makes no analysis of historical debt and therefore sees no need for programmes of restitution.
- By redefining human needs and withdrawing from the provision of social services by privatizing housing, education and related services, the state seeks to depoliticize these areas of struggle and leave them to market forces.
- The Bank's proposals are based on pre-packaged models of development developed from the experiences of other economies (Williams, 1999: 60-64).

The research also draws substantially on World Bank initiatives and literature where their contents are linked to developments in South Africa. The intention is to show the reliance on World Bank and other foreign institutions where this is relevant. However, the research is unable to evaluate this development.

2.6.6 Participation as decentralization

Heller (2001: 131) identifies the argument of disenchantment with centralized government and bureaucratic states as the reason behind decentralization. Decentralization consists of strengthening and empowering local government to make government more efficient, more accountable, and more participative. These objectives are intended to be realized by shifting decision-making and by transferring allocative and implementation functions from central government to local government.

In terms of the participatory discourse, decentralization contributes to democratic deepening if and when it expands the scope and depth of citizen participation in public decision-making (Heller, 2001: 140). In this context expanding the depth means including previously marginalized or disadvantaged groups into public or local politics

and expanding the scope means including a wider range of social and economic issues into public or local politics.

According to the understanding of decentralization above, decentralization means redistributing political power vertically and horizontally; vertical redistribution means including the public, and horizontal redistribution means increasing the domain of collective decision-making according to issues, participative instruments, etc. Viewing decentralization in these ways also means deepening democracy, as well as empowering local government.

Pieterse (2000: 54) views decentralization as political and administrative reforms that facilitate democratic governance towards improving economic growth and development. Decentralization is justified in contexts of resource constraints and limited institutional capacity. The emphasis is on improving economic efficiency rather than political processes.

A closely related concept is the principle of subsidiarity which states that matters ought to be handled by the smallest (or the lowest) competent authority. The dictionary meaning of the concept of subsidiarity is the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. The principle is associated with the ideas of proportionality and necessity. The Maastricht Treaty adopted it as a guiding principle for the assignment of responsibilities among members of the European Union (Shah, 2006: 4). This principle is the polar opposite of the residuality principle which applies in a unitary country (compared to federal countries) where local governments are assigned functions that the central government is unwilling to perform (Shah, 2006: 4).

There are arguments for and against decentralization. Wittenberg (2003: 6-9) presents arguments in favour of decentralization, in terms of democracy, efficiency, and development, in the following ways:

In terms of democracy:

- Decentralized local governments are more likely to be accountable to their constituencies.
- Decentralization increases opportunities for people to become directly involved in government decision-making.
- Political positions at the local level act as training ground for national leadership.
- Decentralization contributes to the creation of checks and balances within the political system.
- The proliferation of elected structures induces a culture of political debate and civic mindedness.
- Local choices lead to a greater variety of lifestyle options for its citizens Wittenberg (2003: 6).

In terms of efficiency:

- There are significantly lower transactions costs involved with producing services locally.
- There is likely to be a closer fit between the preferences of local populations and the services rendered if the decisions are made locally.
- Local governments may be more effective at raising revenue.
- Local populations are able to compare the performance of their government with others, thereby providing a disciplining force on that government.
- Local governments are better able to deal with the free rider problems associated with the provision of certain communal goods (Wittenberg, 2003: 8).

In terms of development:

- There is a greater ability to innovate in a decentralized system; and
- it allows for policy experiments across local governments, thereby allowing for greater learning (Wittenberg, 2003: 9).

However, the case of decentralization is not without criticism. In terms of counter arguments the following hold:

- Macroeconomic stabilization may be easier if budgets are centrally controlled.
- Key developmental projects may create significant externalities (occurs when a decision causes costs or benefits to third party stakeholders) leading to local governments' rejecting them.
- The effectiveness or otherwise of a decentralized programme is likely to depend on the particular institutional and social configuration within which it occurs (Wittenberg, 2003: 9).

Decentralization can also encounter problems with respect to obstacles. These include the following factors:

- political instability;
- poorly regulated inter-governmental relationships and poor or non-existent co-ordination;
- authoritarian and centralized management styles;
- fiscal dependency or reduced fiscal authority;
- inefficient and ineffective administrators;
- national state control of financial, economic and political power;

- inadequate representation and participation of civil society and political groups; and
- a lack of institutional frameworks and political culture, which translates into apathy, indifference and lack of social mobilization (Pieterse, 2000: 55-56).

Decentralization is therefore a means to achieve good governance, and public participation is an integral part of good governance. Hope is therefore focused on decentralization to legitimize governance as well as improve the efficiency of the public sector.

2.6.7 Participation as accountability

Cornwall and Gaventa (2001: 32) speak of a 'crisis of legitimacy' between citizens and the institutions that affect their lives around the world. The authors refers to a 1999 study by the Commonwealth Foundation that portrays mounting disillusionment with government based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of a sense of connection with elected representatives and bureaucrats (Cornwall and Gaventa, 2001: 32).

As a response to the above concerns, traditional forms of political representation are being re-examined; direct democratic mechanisms are increasingly being drawn upon to enable citizens to play a more active part in decisions which affect their lives. The two main concerns being raised are: how citizens, especially the poor, express voice and how institutional responsiveness and accountability can be ensured.

Ackerman (2005: 3) refers to three threats to the formation of good governance and the rule of law in developing countries, namely, corruption, clientelism, and capture. The three problems refer to the use of public office for private gain with far-reaching consequences. They impact in the following ways:

- **Corruption** - enriches individuals, distorts markets, and hampers service delivery;
- **Clientelism** – unfairly channels public resources to specific client groups, alters the dynamics of political competition, and leads to the ineffective provision of public services; and
- **Capture** – provides rents to specific economic actors, alters markets and worsens the position of consumers, workers and the environment *vis-à-vis* corporations (Ackerman, 2005: 3).

Ackerman argues that the best way to combat this 'three-headed monster' and thereby guarantee the interests of the state is by strengthening government accountability (Ackerman (2005: 3). Accountability is understood in terms of the following elements:

- **Punishment or sanction** – accountability means punishment to those the state and public hold as accountable;
- **Answerability** – means the obligation of public officials to inform about and explain what they are doing; and
- **Enforcement** – relates to the need for oversight institutions to impose sanctions on those who have violated their public duties (Ackerman, 2005: 3).

From the foregoing it would appear that process-based evaluation, in keeping with the New Public Management model, is not sufficient. The idea is therefore for society to play an important role in evaluating the performance of government in terms of quality and outcomes. This approach fits very well with the assumptions of the participation discourse which would ensure that rules are enforced and that mandates are delivered efficiently and effectively.

In a study conducted in Kenya by the British Department for International Development (DFID, 2002), the inadequacies of the democratic representative system showed up the

gap between elected and citizens, with particular reference to accountability (DFID, 2002: 2-3). The study showed the limitation of the electoral process where it attempted to establish what the needs and priorities of their constituencies were. When citizens were interviewed, their responses included the following:

Citizens said:

- “We know our people” (but which ones do they know?).
- “We meet them all the time” (but often indirectly, through agents, with no formal system of consultation).
- “We hold meetings” (although these are rare in practice, and usually depend on districts chiefs to hold such meetings).
- “They come to our homes” (but people come to ask for individual favours, not communal needs, which is what the local authority is there to provide).

Citizens and community groups had the following to say:

- “We never see our councillor, except perhaps at election time”.
- “We don’t even know who our councillor is!”
- “Vote-buying is common: people feel obliged to vote for those who have paid them”.
- “We have no way of telling who is a good candidate”.
- “We do not have any influence, especially when told there is no money or equipment” (DFID, 2002: 3).

The above example may be unique to a particular political context, but it does support the research with reference to some of the challenges relating to accountability in governance.

Following from the above example in developing countries, developed countries also have their unique accountability issues. Reuben (2003: 3) shows that developed

countries have delegated institutions to ensure controls such as ombudsman offices and procurement units which are appointed by the legislative and executive spheres of state. But their legitimacy depends on the credibility of public institutions in general. These methods are referred to as horizontal controls. Reuben proposes the following vertical mechanisms to strengthen the civil society and government interface:

- improving public expenditure targeting of social programmes through improved knowledge of citizens;
- enhancing the quality of services delivered through the issuing of citizens' report cards;
- improving the allocation of budget resources through the incorporation of citizen feedback on budget proposals; and
- enhancing public expenditure effectiveness through participatory tracking and monitoring systems (Reuben, 2003: 4).

This approach may be described as social accountability which is aimed at playing an important role in the creation of more transparent and representative governments and aiding public institutions in meeting the expectations of the public. The approach recognizes that collaborations are necessary for effective and sustainable development (Reuben, 2003: 4).

Internationally there are efforts attempting to establish principles and best practice among international organizations. International organizations, such as transnational national corporations (TNCs), inter-governmental organizations (IGOs) and non-governmental organizations (NGOs), working in the interest of citizens are also expected to be aware of their ethical responsibilities. They need to ensure that their activities are not undertaken to the detriment of society or the environment. These organizations are therefore urged to integrate the voices of those affected by their decisions (Neligan, 2003: 3). The accountability approach, involving government, the private sector, civil

society, and citizens, is seen as reducing conflict, leading to better outcomes and therefore vital.

Finally, to conclude the sub-section on accountability, Fung (2004: 1-16) analyses some of the problems associated with the idea of accountability. In a presentation to the World Bank in December 2005, Fung explores four accountability problems referred to as 'democratic deficits' and suggests innovations to overcome them. They include the following:

- **Unstable preferences** – when preferences are unclear or change easily after reflection and discussion. This problem may arise from ignorance or misinformation. The innovation is deliberative polling; town meetings; or participatory assessment and special meeting to gauge felt needs.
- **Thin representation** – when representatives do not know the content of the public will. The problem may arise from new issues arising in between elections or elections and campaigns do not signal important issues. The innovation is 'communicative reauthorisation', meaning revisiting the will of the public; or maintaining a 'two track democracy', i.e. combining deliberation with representation'.
- **Low accountability** – when elected and appointed officials act in their own interest. The problem may be due to weak monitoring and accountability systems. The innovation is to consult interest groups and listening exercises within the local area.
- **Low capacity** – when government cannot deliver outcomes. The problem may be due to lack of resources, knowledge, or authority to address a public issue. The innovation is empowered participatory governance as implemented in other parts of the world including, Kerala in India, Porto Alegre in Brazil, and so on (Fung, 2004: 1-16).

2.7 CONCLUSION

In setting out the theoretical paradigms for participatory democracy, the key foci were to demonstrate three lessons: firstly, the fluidity of concepts such as democracy and governance, previously thought of as intransitive; secondly, that the application of participation is context specific rather than as an evenly applicable concept; and thirdly, in reference to the recently published Draft National Policy Framework for Public Participation shows that, even after tailoring participative instruments and institutions through stated principles and guidelines, their implementation cannot guarantee effectiveness.

The research therefore takes the view that the participation discourse consists of a galaxy of interconnected theoretical foundations, institutional arrangements, processes, actors, and assumptions in practice. Further, a key issue in the discourse yet to be addressed consists of measuring and evaluating participation approaches and instruments.

The chapter's analysis of participation according to categories appears to show that multiple and interconnected goals can be achieved through its application. In terms of stand-alone goals, these include deeper democratic practice, development, poverty eradication, accountability, and so on. In terms of interconnectedness of goals, the following combined goals appear possible, namely, deeper democracy and greater accountability which address other related issues such as corruption and clientelism; or, decentralization addressing efficiency or development and democracy in combination. Participation therefore is being portrayed as the solution to modern governance.

However, the chapter also showed every assumption about participation practice appears to be accompanied with some form of practical dilemma. Fung refers to this

attribute as 'democratic deficits' (Fung, 2004: 4). In a general sense, a democratic deficit refers to unforeseen conditions or the need for a pre-existing condition.

The chapter also addressed the research problem of the decline of representative democracy. It was shown that theorists such as Pratchett (in Ryfe, 2005: 2) observed that there is nothing particularly new about public participation as a supplement to representative democracy. Putman (2002: 3) refers to the unhappiness with representative democracy. And Tommasoli (2005, 4) refers to the problems of inequality and poor governance through representative democracy. This evidence will be compared with the findings of the empirical study which will draw particular conclusions in the South African context.

Finally, the chapter showed that literature on participation is vast and discursive and that a greater effort is needed to organize the body of knowledge. The attempt in this chapter was at best cursory.

CHAPTER 3

PARTICIPATORY GOVERNANCE AT THE LOCAL LEVEL

3.1 INTRODUCTION

The chapter reviews participation from an international perspective. It establishes the origins of the New Public Management approach in governance, analyses the new governance paradigm, and provides the background to participatory governance in South Africa.

The chapter proceeds to determine the relationship between participation and good governance, as well as how good governance is linked to co-operative governance. Based on this background, the chapter outlines governance models which relate to service delivery. The chapter concludes that the South African governance model consists of a blend of ideas rooted in the New Public Management model but with an emphasis on participatory approaches.

The analyses and discussions that follow set the basis for the examination of participation in terms of government policy and legislation in this chapter.

3.2 GOVERNANCE AND PARTICIPATION

3.2.1 New Public Management Model and participation

The literature points to a wave of public sector reforms having swept through developed, developing, and transitional countries over the past 30 years, prompting

what has been labelled the 'New Public Management' (NPM) revolution (ID21, 1997: 1). The political framework for the reforms includes a leadership committed to neo-liberal principles; political decentralization based on the principle of subsidiarity (decisions passed to the lowest level of authority); a programme of privatization of state enterprises; and a new governance form based on 'good governance' (Economic Commission for Africa, 2003: 6).

The New Public Management (NPM) model attempts to reshape and improve governance through a social partnership between the state, business, and civil society. In practice, the reforms advance an agenda to trim down the state, reduce high levels of public expenditure, increase efficiency in the provision of public services, and extend the role of the private sector (Gaventa, 2004, 150).

In support of the claims by Gaventa above, The World Bank justifies the New Public Management (revolution) by the following analytical instruments:

- in evaluating development success and failure, the Bank believes that the determining factor was the (non) effectiveness of the state;
- the sheer size of government, measured by its expenditures in proportion to the Gross Domestic Product (GDP) gives the state a major role in economic and social development;
- there is a clear relationship between 'good governance' and levels of economic growth; and
- the obvious path, therefore, to economic success is to make the state work better, raise its level of credibility, and reinvigorate public institutions (World Bank, 1997: 4-6).

The NPM model was proposed as the solution for the perceived problems experienced by developing states. The belief was that with better governance, the likelihood for

economic growth might be increased and poverty reduced. Research by the Centre for the Future State apparently shows that effective public institutions evolved through a political process of bargaining between the state and organized groups in society (Institute for Development Studies, 2006:1). The Centre offers an approach which suggests that the critical issue of state-building lies in striking a balance between effectiveness and accountability. Historically, this has happened (*in developed countries*) through the process of interaction, bargaining and competition between the state and organized groups in society. This approach may be institutionalized through the following efforts by governments:

- **Hold (local) tax system accountable** – Taxes should be seen as a governance issues and not juts a fiscal matter.
- **Create incentives and opportunities for different groups to organize** – The interaction between the state and civil society can enhance the effectiveness of both.
- **Flexible delivery models** – Policy-makers must be bound by preconceived models of delivery but be open to unorthodox arrangements.
- **Role of external actors** – These can hinder rather than support progressive change by, for example, imposing external models rather than embracing local options that work (Institute for Development Studies, 2006: 3-4).

The above model directs policy-makers to focus less on formal public institutions, and more on the informal arrangements and relationships that underpin them. And the emphasis is on context specific approaches and less on normative solutions. The model therefore has particular implications for civil society. The research shows that civil society is not autonomous from the state. Instead, civil society is viewed as a complex universe of actors with different interests and capacity for action, and the boundaries between civil society and the state are often blurred (Institute for Development Studies, 2006:4).

A similar strain of thinking is evident in earlier work by the World Bank. The Bank's Environmentally and Socially Sustainable Development Network (ESSDN) shows that confusion often exists about civil society engagement in development. On the one hand civil society engagement is perceived as existing in the absence of a robust state. On the other hand it is believed that a strong state reduces the space and scope for civil society engagement. The ESSDN research shows that the existence of a healthy and active civil society did not preclude the existence of a robust state and vice versa (Social Development Notes, 2003: 1). In effect where states were weak, civil society supported the institutional instruments for service delivery, and where the public administration was effective, there was evidence of a dynamic civil society and strong citizen involvement in the public realm.

The critical point is that where there is sound policy and clear rules of engagement for civil society, there exists the condition for an appropriate environment for civil society engagement. Additionally, where there is a dynamic relationship between civil society and the state, the basic conditions for governance exist.

3.2.2 New governance paradigm and participation

Peters (2001, 1) declares that governance is a scarce commodity. By this is meant that despite the vast array of institutions designed to influence and control societies and economies, governance has not necessarily solved the problems of regulating the behaviour of people and organizations. The evidence for such a view in the South African context may be supported by the following observations of the research:

- governments appear to have lost their autonomy to develop governance policy to international organizations (like the World Bank prescribing certain reporting formats);

- wide-spread popular protests to government policies and services (the international conferences on racism and the environment are cases in point);
- continued protests by the private sector to limit and regulate its actions (such as the reactions to the reports on corporate governance); and
- the continued search by political leaders for better ways of doing things (for example protests by opposition political parties to rescind floor-crossing legislation).

The evidence shows that governance is continually being reshaped or re-invented in terms of policy, institutions and the role of actors. This point was underscored at the Sixth Global Forum on Reinventing Government: “a new paradigm based on networks [has emerged]...where states and citizens, governments and private sectors, organizations and citizens form a web of relations...In other words, although the past form of governance was based on authoritarian states and hierarchical structures, today governance is based on participatory policy making and a vast network comprising actors” (Kim et al, 2005: 647).

The new meaning given to governance is that of “the process of policy making through active and cohesive discussion among policy makers who are interconnected through a broad range of networks...By its nature, governance is a multiple stakeholder process...This process includes actors beyond government, including market and civil society institutions...governance has no centre, but multiple centres and no sovereign authority” (Kim et al, 2005: 647). From this quotation, there is no doubt that the traditional role of government has been broadened and even diffused within society.

The implications for local government are clearly to transform it along the lines of flexibility and responsiveness. The motivation for such a strategy becomes evident when the functioning of local government is considered in terms of the logic of globalization

where the economic positioning of cities and regions are key. These issues are raised in Chapter 5.

Under the present discussion, the cornerstone for good governance is the institutionalization of participation. Fung and Wright (2000, 2) postulate that as the functions of the state have become more complex and the size of polities (form of government) have become larger and more heterogeneous, representative democracy appears to be ill-suited to the novel problems of the 21st century. The authors also fear that democracy itself has become too narrow, limited to elections of political leadership for legislative and executive offices. The demand on democratic practice therefore is facilitating participation, promoting social dialogue, implementing policies that promote productive and healthy society, and sharing in the nation's wealth (Fung and Wright, 2000, 2).

In supporting the shortfalls of representative democracy, Tommasoli (2005, 3) postulates that democracy goes beyond the rule of law and the protection of human rights; it means more than good governance and the effective management of public resources. "Democracy is about the use of power and the management of conflict. [Democracy] requires a set of political institution and processes based on the principles of *popular control* (own emphasis) over public decisions and decision makers, and *equality of respect and voice* (own emphasis) between citizens in the exercise of that control" (Tommasoli, 2005: 3). The quality of democracy is therefore expressed through participation, representation, accountability, transparency, and responsiveness.

The interpretation of good governance in the South African context is captured by Maphunye of South Africa's Human Science Research Council in a slide presentation to the Western Cape Provincial Conference on Public Participation. The relevance of participation to rooting governance among the people includes the following:

- good governance is rooting governance among the people;
- representative democracy minus participation is weak;
- development minus public participation lacks popular mandate; and
- public participation in development enhances good governance (Maphunye, in Davids, et al, 2005: 64)

The importance of public participation for good governance and development includes the following:

- public participation legitimizes government decisions and actions;
- improves quality of decisions made and citizen compliance with policies and by-laws;
- reminds policy-makers to make space for public opinion in their decisions; and
- enhances people-centred democracy (Maphunye, in Davids et al, 2005: 64).

Finally, Maphunye expands on the understanding of good governance by referring to other sources. For Kayizzi-Mugerwa (in Davids et al, 2005, 64), good governance means having:

- an effective state;
- representation of civil society and citizens in policy-making processes; and
- allowing the private sector to play an independent and productive role in the economy.

For Davids and Maphunye (in Davids et al, 2005: 64), good governance means:

- transparency;
- participation;
- responsiveness;

- accountability;
- legitimacy;
- partnership;
- rule of law;
- consensus orientation;
- equity;
- effectiveness and efficiency; and
- strategic vision.

However, there is an absence of critical analysis in Mapunye's presentation of good governance and participatory processes. The tendency is to utilize the concepts and popular slogans found in the literature. For example, participation has become the new mantra in development discourse, and there is an absence of evidence to support the bold claim that participation is a panacea for South Africa's problems. There are also the dilemmas where the marginalized have been crowded out from participatory spaces either owing to lack of capacity or because participatory processes simply did not reach them. Several authors, among them Williams (2005a; 2005b); Davids, et al (2005); and Baccus and Hicks (2007), have refuted many of the claims made by participation enthusiasts.

3.2.3 Participatory governance in South Africa

The international debate concerning the virtues and vices of participation reached the South Africa shores in the 1980s (Theron, et al, 2007, 1). The view of the authors on implementing participatory methods in South Africa is that participation has proved to be a serious challenge despite agreement among politicians, practitioners and academics that participation is important for good governance and sustainable local development (Theron, et al, 2007, 1). The authors claim that context-specific features of the South African socio-economic-political landscape – such as poverty, the expanse of

municipal areas, poor public transport, language barriers, illiteracy, patriarchal social structures, and a host of other factors – continue to slow the design and implementation of participatory development initiatives (Theron, et al, 2007, 1).

Having established one serious view on the experiential difficulties of participation, it is important to now construct the theoretical framework and rationale for participation in South Africa.

The common reference to South Africa across the world has been that the transformation from an authoritarian, apartheid regime to an open, non-racial democracy over the last twelve years was singularly inspiring and celebratory (Pillay, et al, 2006: 1). The first decade saw the establishment of a national democratic system based on an electoral process that became overwhelmingly peaceful and well-organized (Piombo and Nijzink, 2005: vii).

The new paradigm of governance in international literature calls attention to the challenges facing the democratic government of South Africa. Muthien et al (2000: 7) propose that the traditional ideas of public administration have to be replaced with governance that makes provision for the following:

- multi-agency networks and partnerships;
- interdependence between centres and networks of power;
- the emergence of self-governing networks or clusters;
- the development of new governmental cultures and procedures; and
- public-private sector co-operation and partnerships (Muthien et al, 2000: 7).

The authors believe that a culture of constitutionalism and rule of law advanced change in organizational culture and public administration in South Africa. The Constitution demands transparency, public accountability, and impartiality in service delivery. The

Constitution has also created space for interdependence between civil society and the state and participation in governance.

The South African government's stated objective for the second decade relates to consolidating and deepening democracy. Essentially government must navigate the critical factors of improving the economic fortunes of the mass of the population as well as delivering basic services to impoverished and emerging communities. President Mbeki interrogates the discourse on South African democracy and development as:

"(moving) our country forward decisively towards the eradication of poverty and underdevelopment... (and) taking care to enhance the process of social cohesion; (and achieving) further and visible advances with regard to the improvement of the quality of life of all our people, affecting many critical areas of social existence, including health, safety and security, moral regeneration, social cohesion, opening the doors of culture and education to all and sport and recreation" (Mbeki, 2004: 2).

Friedman (2006: 4) argues that there are two reasons for allowing citizens to become partners in governance. Firstly, governments realize that their goals cannot be achieved without the acquiescence and support of organized private constituencies. These constituencies are invited to join in policy-making and to oversee its implementation. The expectation is that participation will bind the constituencies to agreements. These agreements are based upon a social partnership and co-operation towards a common interest. This form of participation is already well known as corporatism. One important experience is the forum of government-labour-business-community known as the National Economic Development and Labour Council (NEDLAC) (Houston, 2001:1).

The second rationale for participatory governance is that it broadens and deepens democracy by including the wide range of citizens in decision-making (Friedman, 2006: 4). Voting is seen as an insufficient generator of participation, and democracies are

consequently required to provide opportunities for participation between elections. Participation is therefore a normative goal seeking to broaden the range of citizens who participate in governance.

Baccus et al (2007: 6) present a similar argument for the significance of participation in South Africa. "Notably, the significance of public participation in the dominant development model has become consolidated over the last ten years, as experience has proven it works better than the 'external expert stance' approach. Hence, whether one is talking about budgeting in Porto Alegre, Brazil or Kerala state of India, or healthy delivery in rural Bangladesh or urban Britain, public participation is seen as a central component necessary to meet the end of human development. Notably, through, public participation is also justified in respect of two other purposes, both political: these other purposes are (i) strengthening states and (ii) deepening democracy" (Baccus, et al, 2007: 6).

Despite the elegant claim of the successes of participation in other countries, the research findings by Baccus et al (2007) and others in South Africa mirror the criticism of Theron et al (2007: 1) and others discussed in this work. Research by the former authors arrive at the following conclusion:

"We investigated the implementation of public policy...exploring views 'from above' of officials and councillors and 'from below' of members of civil society and the community. Respondents were drawn from the district municipalities of eThekweni, Ilembe, Mgungundlovu and Sisonke, and also some of the local municipalities within them. Our main finding was that while all parties seem committed to the idea of public participation, they lack the necessary resources to make it work. Hence, the impact of public participation on local governance 'ends at the imbizo'" (Baccus, et al, 2007: 3).

This finding of the above research is significant. It shows that the implementation of participative forms does indicate problems. Some of these problems may be addressed by examining the context-specific limitations as well, according to the findings of this research.

It is encouraging, however, that the eThekweni Municipality appears to be addressing some of the implementation problems. In order to resolve some of the problems of implementation, the municipality's policy planners and implementers drew up the following list of issues under separate headings, why participation; participation: how; when participation; participation around what; and who should participate.

Summarizing the issue of 'why participation?'

- (We) must have dedicated resources to honour commitments to participation. The establishment of a full-time dedicated Community Participation and Action Support Unit is critical for effective stakeholder participation.
- (We) learnt that merely having a Unit is not enough. It is necessary that a clear Policy on Stakeholder Participation be adopted to both guide and bind the Council. At the same time it is essential to create participatory structures that are inclusive, especially of the different sectors. The training of these structures is also an important intervention as part of an integrated package to build and support the actions of civil society formations.
- It is a useful investment to run many workshops with senior management and related staff on the new role of local government and why it is necessary for active citizen engagement.
- Related to the above point, is the need to generally develop and engender a culture of listening to the communities (we) serve. (We) have learnt that getting our officials to understand (for example, why an issue like insufficient lighting is a

problem in an area near a school that has night classes for women) that the needs of the community are key.

- It is necessary to run training sessions with organs of civil society to capacitate them and ensure that they understand their new roles and responsibilities as partners with local government.
- It is important to be clear about the intent of the workshop. Never allow the process to be superficial or token. (Remember) that the workshop intent must always be genuine or the workshop participants will be justifiably angry.
- The issue of 'representative versus participative democracy' is still a sensitive one, and more work on building the capacities of councillors and community leaders is required in this regard.
- The reality is that active citizen participation is more time-consuming, costly and hard work, but these must be acknowledged and need to be consciously built into the design strategy (Moodley, in Baccus and Hicks, 2007: 5).

Summarizing the issue of 'participation: how?'

- Using the workshopping approach on a sectoral and ward basis, together with the 'Big Mama' (name for the consultation workshop) type of engagement, does not prove to be a useful combination to engage with stakeholders.
- (We) must spend more time in a sustained, needs segmentation process which allows for a thorough and rigorous engagement with the different sectors of the city.
- (We) must revisit the way citizens influence and shape the budget process to deepen local participation.
- (We) must revisit the way in which internal stakeholders (all staff from the organization) participate. (We) found that there is a need to be as thorough with (our) officials as with communities as the 'transformation' of approach among officials is essential for the success of the participation process. Relying

exclusively on senior management to cascade information to all staff is not the most effective mechanism to be used (Moodley, in Baccus and Hicks, 2007: 6).

Summarizing 'when participation?'

- Milestone/event-based participation, while effective as part of the strategy process, can be disempowering if the milestones are not evenly spread throughout the strategy-making process. This can lead to citizens' doubting the seriousness of the (City's) commitment to participation.
- A more sustainable approach is to ensure that fixed workshops are planned throughout the year – e.g. quarterly or bi-monthly. In this way, all stakeholders are fully appraised of the progress made on the (City Plan). This consistency and predictability make participation more effective (Moodley, in Baccus and Hicks, 2007: 7).

Summarizing 'participation around what?'

- The nature of the issues that are debated is not as important as how the participation is structured. Irrespective of the issue, effective participation resulted when the City developed a draft strategic framework which stakeholders engaged with. Starting off without any framework and developing strategy together is time-consuming and often counter-productive.
- It is a misconception that communities concern themselves only with what happens in their own areas. Great interest in most of (our) wards throughout the (City) was shown in bigger, more strategic issues affecting the (City) at large. Of course, the ideal approach is to twin these issues with those closer to home (Moodley, in Baccus and Hicks, 2007: 7).

Summarizing 'who should participate?'

096905

- It is never possible to ensure that all the 'right people' participate. What is important is to ensure that all the sectors' interests are well represented and that effective mechanisms are in place to ensure that the general public is fully aware of the process under way.
- It is important in a metropolitan area that includes traditional leadership to ensure that mechanisms are in place to actively involve traditional leadership in the strategy process.
- Given the fluidity of leaderships, it is often difficult to ensure continuity of participation from the various sectors. This must be borne in mind and factored into the design process. In addition (we) found that in wealthier areas public-minded individuals dominate the workshops, rather than local community organizations. This raises interesting issues around representivity that must be borne in mind (Moodley, in Baccus and Hicks, 2007: 8).

Additional lessons and recommendations for implementing participation are provided by a study conducted by the Foundation for Contemporary Research (FRC) in the Western Cape Province. In order to emphasize their commitment to participation, the list of recommendations is set under the statement, "...any recommendation to increase the participation of people must pass the empowerment test: does it increase or decrease people's power to control their own lives?" (Davids, 2005: 88). Clearly the statement questions the fundamental issue of intent underlying the participation process.

The above study begins by documenting the critical issues that militated against citizens' taking an active role in participation. These issues included: poverty; the sheer size of municipal areas; poor public transport; no remuneration for participation; language difficulties; illiteracy; and patriarchal social structures (Davids, 2005: 88). The study

records the following problem areas and issues with specific reference to participation in the local elections, the IDP and ward committees:

Issues of participation in the local government elections:

- **Voter turn out** – the 2000 local government elections voter turn-out was declared to be fairly low for a democracy in the making (Davids, 2005: 61).

Issues of participation in the IDP:

- **Demarcation process** - Vast distance had to be travelled by participants.
- **Participant fatigue** – People were tired of ‘participating in their own development’ without seeing meaningful benefits of their participation.
- **Management of the process** – There appeared to be bureaucratic red-tape and under-resourcing of participatory structures such as IDP (Rep) Forums.
- **Non-participation of ward** - Where Area Development Forums and other forms of delimitation existed, the result was often non-cooperation and non-participation by wards who felt that they had been denied their role.
- **Inclusive sectors** – The forums were unable to attract the business sector such as local farmers who indicated that the process was too time-consuming and non-specific.
- **Participation of the marginalized** – the process was unable to include the unemployed, landless and homeless people (Davids, 2005: 75).

Issues of participation in ward committees:

- **‘Cracks’ in the ward committee system** – include issues of municipal capacity to establish and regulate ward committees, the powers and functions of ward committees and the remuneration of ward committee members (Davids, 2005: 84).

The recommendations have been developed as a practical way of addressing some of the concerns voiced by participants and as a response to the contextual challenges of participation facing municipalities. The recommendations are categorized accordingly: firstly, participation in municipal elections; secondly, participation in Integrated Development Planning; thirdly, participation in ward committees; and fourthly, women's participation in democratic local government.

Recommendations for participation in municipal elections:

- Voter education must provide voters with technical information about elections including where to register, how to register, who the candidates are, where to vote, how many ballots there will be, and how to use the ballots.
- Political parties and independent candidates should be encouraged to take a leading role in stimulating and mobilizing the community.
- The periods between elections must be used productively to maintain interest in local government. The process will assist towards explaining policies and empowering citizens in the development and governance process (Davids, 2005: 88).

Recommendations for participation in the IDP:

- Address the issues of ownership of the IDP and popularize it.
- More conceptual attention needs to be given to the community-municipality link.
- Consultation is not participation. The concept of participation means direct control of the IDP and access to the resources by the community.
- Women must be empowered and be given equal access to the control of resources.

- Representation, accountability, and sustainability of IDP forums must be addressed.
- Key performance indicators must be in place (Davids, 2005: 89).

Recommendations for participation in ward committees:

- There needs to be capacity-building for ward councillors and ward committee members on issues such as local government legislation, leadership and facilitation skills, conflict handling, and negotiation.
- Municipalities should appoint coordinators to liaise with their ward committees.
- A coherent strategic direction for ward committees should be developed.
- The leadership role of the ward councillor, proportional representative councillor, and speakers must be clarified and communicated to ward committees.
- There should be structured information-sharing and communication between the municipal administration, council and each of the wards.
- Municipalities should develop their own ward committee policies and use national policies only as a guideline.
- Issues raised by wards must be turned into action.
- Ward committee members should not be under any political mandate or use the ward committee system to further their political careers.
- Municipalities should develop clear policies on covering the costs incurred by ward committee members in the course of their duties.
- Municipalities must introduce innovative measures to ensure the participation of crucial interest groups i.e. women, the disabled, youth and business in ward committee structures (Davids, 2005: 90-91).

Recommendations for the participation of women in local government:

- **Demographic profile** – A comprehensive understanding of the demographic characteristics of the community is the first step towards increasing the participation of women in local government. The understanding of gender-disaggregated information about the dominant languages, literacy rates, and levels of education, employment patterns, and activities performed for the household and other relevant information can provide a useful tool in this regard.
- **Women's abilities** – Women are sometimes denied opportunities because of fallacies and stereotypes within the community and institutional structures. These attitudes must be addressed and broken down.
- **Removing practical constraints** – Women face practical constraints such as transport, child care, attending meetings at night, and safety. These constraints hinder women from participating equally with men. Practical arrangements are therefore required (Davids, 2005: 92).

The research concludes from the above that there are several problematic areas requiring attention to ensure meaningful participation. The research also takes the view that for the most part, the local municipality must take responsibility for creating the conditions for meaningful participation. However, in attempting such an exercise, it may be useful to revert to the earliest policy platforms for participation in South Africa. The point of departure is therefore the Reconstruction and Development Programme advanced by the African National Congress.

3.3 TAKING DEMOCRACY TO THE PEOPLE

The Reconstruction and Development Programme (RDP) of 1994 proposed that democracy was not only concerned with the 'delivery of goods to a passive citizenry', but also implied the 'active involvement and growing involvement' of the population

(ANC: 1994: 5). The vision of the RDP was clearly that people would be participants in decision-making processes.

While the RDP has declined in prominence arguably for resource constraints, the Constitution was both the launch pad and anchor for participative democracy. The writing of the Constitution was in itself a democratic experiment when the population was invited to take a direct role in the constitution-writing process by submitting ideas to the Constitutional Assembly. By the end of the campaign to involve the population, 1.9 million general submissions from the public to the Constitutional Assembly had been made, and the exercise in participatory democracy was seen as both novel and useful (Deegan, 2002: 48).

The promotion of public participation in legislature was another move towards including people in democratic processes. The key institutions for participation were the parliamentary portfolio and select committees (Deegan, 2002: 51). The provincial legislatures were also intended to be portals for participation. Section 118 of the Constitution commands the provinces with 'facilitating public involvement in legislative and other processes of the legislature and its committees' (RSA, 1996: 67). The provinces resolved to initiate participation through their newly created communication departments which endeavoured to educate the public about what the legislature does and how it does it (Deegan, 2002: 51).

3.3.1 Path to Good Governance

The new method of governance is a consequence of the shift in thinking across the world about the role of the state and its relationship with society. Swilling captures the shift as follows: from a noun (government) to a verb (governance); from structure to process; from things to relations; from independence to inter-dependence; from linearity to (feedback) loops; and from rational structuration to patterns of chaos

(Swilling, 1997: 3). The World Bank's 2003 publication, the Middle East and North Africa (World Bank, 2003: 3) and the United Nations Department for Economic and Social Affairs (Meloko and Resta, 2005: 17) initiated the concept of governance. The Bank believed that most of Africa's problems had their roots in poor governance. The underlying aim was to strengthen public management and increase the accountability of politicians and officials, as well as ensure the independence of civil society formations. Included in the remedy of governance was an effort to encourage accountability and transparency.

Governance refers to the value systems and constitutional arrangements that shape governance institutions. Swilling summarizes four principles of good governance:

- **Good governance is derived from the liberal democratic model.** It prescribes certain constitutional provisions including: separation of powers among governance structures; a Bill of Rights; intergovernmental co-operation; an independent judiciary; a limited role for central government; a neutral and effective public service; and political pluralism.
- **The governance paradigm calls for a relationship between the state and civil society.** Democratic governance is about empowering civil society so that it can participate in decision-making and policy formation.
- **There is an emphasis on market-driven policies based on 'modernisation'** (cf. World Bank: 2003: 3). The thinking is that political democracy is a precondition for successful development to address the inequalities in society.
- **The final proposition of the governance model is the freedom of civil society formations to function side-by-side with the state.** This means that business and other civil society organisations have a stake, together with the state, in the public realm. Governance is therefore not the sole responsibility of the state (Swilling, 1997: 4).

Good governance is not limited to a concept, but can be measured. Kaufmann et al of the World Bank (2007: 3), report on the latest update of the Worldwide Governance Indicators research project which measures six dimensions of governance between 1996 and 2006 (Kaufmann et al, 2007: 3). The six dimensions of governance which are measured include:

- **Voice and accountability** – measures the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.
- **Political stability and absence of violence** – measures the perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including domestic violence and terrorism.
- **Government effectiveness** – measures the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of such policies.
- **Regulatory quality** – measures the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.
- **Rule of law** – measures the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence.
- **Control of corruption** – measures the extent to which public power is exercised for private gain, including petty and grand forms of corruption, as well as 'capture' of the state by elites and private interests (Kaufmann et al, 2007: 3-4).

Figure 3.1 below shows the results of the governance indicators for South Africa during the periods 1998, 2002 and 2006.

Figure 3.1 Governance indicators for South Africa, comparison between 2006, 2002 and 1998.

| Governance indicator | Year | Percentile Rank (0-100)* | Governance Score (-2.5 to +2.5)** |
|--------------------------|------|--------------------------|-----------------------------------|
| Voice and accountability | 2006 | 67.3 | +0.60 |
| | 2002 | 67.3 | +0.63 |
| | 1998 | 70.7 | +0.76 |
| Political stability | 2006 | 44.2 | -0.07 |
| | 2002 | 32.2 | -0.42 |
| | 1998 | 19.7 | -0.85 |
| Government effectiveness | 2006 | 76.8 | +0.78 |
| | 2002 | 73.9 | +0.68 |
| | 1998 | 78.2 | +0.80 |
| Regulatory quality | 2006 | 70.2 | +0.68 |
| | 2002 | 68.8 | +0.57 |
| | 1998 | 53.2 | +0.20 |
| Rule of law | 2006 | 58.6 | +0.24 |
| | 2002 | 55.7 | +0.07 |
| | 1998 | 60.5 | +0.24 |
| Control of corruption | 2006 | 70.9 | +0.56 |
| | 2002 | 67.5 | +0.34 |
| | 1998 | 70.9 | +0.58 |

* Indicates rank of country among 212 countries and territories in the world. 0 corresponds to lowest rank and 100 correspond to highest rank.

** Estimates governance measured on a scale from approximately -2.5 to + 2.5. Higher values correspond to higher governance.

(Source: adapted from Kaufman et al, 2007: Governance Matters VI: Governance indicators for 1996-2006, <http://econ.worldbank.org>)

In terms of Voice and accountability, South Africa, compared to the rest of the world, declined progressively from 1998 to 2006. Political stability increased, but remained within a low range. Government effectiveness declined slightly, but remained in the high 70s percentile as well high governance score. Its regulatory quality improved. Rule of law declined slightly, remaining below the 60 percentile. The Control of corruption remained stable in the 70s percentile and governance score.

The key finding relevant to participation was the governance indicator “Voice and accountability” which showed a decline and has implications for both policy-makers and implementers at the local sphere in South Africa.

3.3.2 The Importance of Co-operative Governance

Supporting the concept of good governance is the concept of co-operative governance or intergovernmental relations. According to Perry (in du Toit et al, 1998: 243), intergovernmental relations involves actions and interactions between governmental institutions of all types and at all levels. It includes the informal interactions between spheres of government, including daily networking to ensure the effective implementation of joint projects and programmes. Co-operative governance is viewed as occurring within a multi-dimensional environment with a multitude of role players involved in a series of financial, legal, political and administrative relationships across the different levels of government. Wright identifies particular characteristics of intergovernmental relations according to complexity and interdependencies:

- different types of inter- and intra-level interactions;
- the actions and dispositions of individuals in public office;
- consistent and patterned connections among officials;
- involvement of a variety of public administrators in the decision-making processes; and

- a policy-making element consisting of role-players interacting across the various levels of government (Wright, 1978: 8-13).

Intergovernmental relationships can also aim to achieve important objectives:

- consensus policy-making;
- collective bargaining agreements;
- reduced manipulation and coercion;
- avoidance of unproductive conflict;
- reduced competition for scarce goods and services and resources; and
- joint development and implementation of projects promoted (Wright, 1978: 8-13).

According to Shafritz (2007: 131), intergovernmental relations have the following features:

- Public officials, elected office bearers and senior public servants play a central role.
- There is a focus on informal, practical, goal-orientated and pragmatic activities that must be performed to ensure delivery of services.
- A policy component covering performance and monitoring by the public service.

Intergovernmental management is also closely related to governance and must be distinguished from inter-governmental relations. The emphasis is on the functioning of senior personnel and on informal relations within institutions. Intergovernmental management is distinguished from inter-government relations in terms of:

- having a problem-solving focus;
- a means of understanding and coping with systems;

- an emphasis on contracts; and
- the development of communication networks (Shafritz, 2007: 135).

The next step following from the understanding of good governance and inter-governmental co-operation is the governance models which emanate from this.

3.3.3 Institutional Models and their Implications for Service Delivery

Institutions have been shaped by both politics and theory in different ways. According to Putnam (1993: 7), game theory and rational choice theory models have cast institutions as 'games in extensive form', in which actors' behaviour is structured by the rules of the game. Organizational theorists, on the other hand, have emphasized institutional roles and routines, symbols and duties. Putnam suggests that a theory known as 'new institutionalism' now emphasizes the following developments:

- **Institutions shape politics** – Political behaviour, identity and power are shaped by institutions.
- **Institutions are shaped by history** – institutions embody historical experience and turning points that shape their form, thereby influencing the rules and choices people make (Putnam, 1993: 8).

Institutional change has currency in South Africa, and the research shows that transformation has given new shape to governance institutions. Governance is understood as a complex concept. It refers to a set of political, social and economic relationships that shape the way in which decisions are made, resources allocated and actions taken in particular settings (Lingayah and MacGillivray, 1999: 54). The ultimate goal of government is to ensure a good quality of life for all people. In the South African context, however, the added burden is the skewed nature of society, where the majority is poor. This means that policies, processes, and institutions models must be shaped to

meet the objective of addressing poverty and deprivation. South Africa has available to it several institutional models, each unique in the manner it articulates the delivery of public goods. The models outlined below are adapted from the works of Benington and Hartley, 1994 and Haftech, 1997, (in Unicity Committee, Durban: 2000) and indicate the choices available to government in meeting policy objectives.

3.3.3.1 Traditional Model

General objective: The Traditional Model (also referred to as the Public Administration or Welfare State model) is based on strong welfareist objectives and is characterized by a large bureaucracy. This model consists of uniform standards to deliver services. Government is seen as the sole agent to meet the developmental needs of citizens. This model assumes stability, homogeneity and continuity in society. Its operation is based on long term plans which are 'scientifically' determined and which do not allow for management flexibility, which is important in the planning and implementation of services and projects.

Political and management structure: This model is highly bureaucratic, has standardized products and distinct tasks, and has a pyramid style management. This model is based on a number of departments or committees with very loose co-ordination and/or co-operation.

3.3.3.2 Corporate Model

General objective: This model is very much influenced by management practices in the private sector. This model became popular in the 1970s. The traditional model was reformed in the belief that large-scale production can improve efficiency in public service provision.

Political and management structure: This model is characterized by the centralization of political and management tiers behind corporate rather than departmental structures. It is strongly hierarchical. Sometimes political power is concentrated in a single committee that decides corporate priorities and sets the policy and financial guidelines for each department and committee. A Chief Executive Officer (CEO) has the ultimate control over departmental heads and the bureaucracy.

3.3.3.3 Commercial Contractual Model

General objective: This model is the opposite of the corporate model. It was introduced to reduce corporatism, public expenditure and the powers of government structures. The aim was to introduce quasi-market relations and commercial business principles into public management.

Political and management structure: This model reduces the number of departments and committees within the public service to a bare minimum. Its main argument is not so much for the public sector to provide services, but to decide upon competitive tendering requirements. It allows for the arrangement of the public service into either a purchaser of services, or the creation of business units and devolved costs centres which compete in the market-place.

3.3.3.4 'Entrepreneurial' or Strategic Model

General objective: This model is based on neo-liberal principles. It differs from the contractual model in the marketisation and contracting out of services which is a necessity rather than an option. It therefore advocates the loosening of bureaucratic rigidities and the devolution of decision-making power. It endorses the view that the role of government in service provision should be minimal and not be its core business.

Rather, government's role is to be a strategic manager and a regulator of services based on the needs of its constituents (who are seen as individual customers).

Political and management structure: The public service is mission-driven rather than procedure-governed. The management structure is drastically rationalized, i.e. downsized, hierarchically flattened and decentralized. Departments are restructured and rationalized under key themes, and operational services are turned into business units or quasi-autonomous agencies. Decision-making is based upon two main centres of power: a strategic policy-making and planning body at the corporate centre of the department and a frontline organization. The model promotes the idea that it gives public service workers more delegation of authority and greater respect for their expertise and experience.

3.3.3.5 New Public Administration Model

General objective: This model is based on the idea that bureaucratic culture is not really bad for governance since it can be used effectively through co-operation with other public agencies. The model seeks to strengthen the hand of the state in public service on the premise that entrepreneurial approaches are inadequate for managing the public sector. The model argues this point on the grounds that the public and private sectors are two unique entities (in terms of their objectives and agenda) and hence need to be managed differently. However, it does not argue for rejecting the private sector. Rather it seeks to involve the private sector through market testing and the contracting out of services through various forms of private-public partnerships. The underlying motive is social equity and sees the public service as an agent committed to effective and equitable provision of public services.

Political and management structure: This model places particular emphasis on authority and leadership in the management of projects, and on inter-departmental co-

operation. The CEO has a stronger hand in the co-ordination of departmental activities than in the traditional model. Co-ordination also occurs between political structures. Thus, communication and interaction are not only vertical but horizontal and more integrated. This can also mean the rationalization of departments and political structures by modifying and making more optimal use of already established systems by streamlining, restructuring, and re-grouping of service units. Furthermore, the model also allows for community and business interests to be represented in special fora.

3.3.3.6 Governance Model

General objective: This model emerged in the 1990s and seeks to strengthen the engagement of civil society with government, while acknowledging that the market has a role in supporting public service. This model therefore seeks to combine positive elements of the New Public Administration and the Entrepreneurial Models. Sometimes it may seem that the two models may not be compatible, e.g. promoting competition while at the same time aiming to achieve social equity.

Political and management structure: This model combines the best principles of the Public Administration and the Entrepreneurial Models. It supports the creation of fora where civil society (and the community) directly participates in policy-making and implementation. It also creates a strong strategic management committee comprising politicians and officials.

It can be seen from the above that various institutional approaches have different implications for delivery. A single model will not necessarily meet the objectives of policy and delivery options. The shape and form of public institutions change according to government policies which are usually set within the context of political, economic, geographical factors, and in terms of political mandates.

The delivery framework at the local level in South Africa is nothing short of ambitious. It is commanding, complex, forward-looking and consists of an optimistic agenda that requires effective co-operative government to achieve democracy, integrated development, and poverty alleviation. The policy approach is based on a dual strategy to meet the basic needs of people, and thereby enhance the conditions for economic growth. Government has decided that the execution of this mandate is best achieved at local level, undergirded by a nationally defined policy structure as outlined in the White Paper on Local Government and local government legislation.

However, the challenge is to develop an appropriate model of governance at the local sphere, given that a national form of local governance will be difficult to achieve.

3.3.4 Which model?

Pieterse, (in Parnell et al, 2002: 7) argues that the White Paper on Local government consists of a blend of ideas rooted in the New Public Management Model which emphasizes participatory development approaches. This model promotes the following:

- rational frameworks to inform budgeting, resource allocation, definition of targets and divisions of labour between managers and agencies;
- various forms of incentives and sanctions to improve performance;
- reduction of procedural rules in the public sector to create more discretionary room for senior and middle-level managers;
- adoption and utilization of various types of contracts to delineate lines of responsibility and accountability;
- privatization of public services in order to improve quality and coverage;
- pursuit of public-private partnerships if full-scale privatization is not viable;
- wherever possible, opening up provider roles to competition between agencies or even departments within the public sector;

- reducing the public sector wage bill through 'downsizing' and 'rightsizing'; and
- eliminating all forms of subsidization by charging full costs for services (Pieterse in Parnell et al, 2002: 7).

When seen against the three towering themes of participation, efficiency, and partnerships, they appear to coexist uneasily with the ideas and formulations in the White Paper on Local Government. The dividing line may even be stark: the theme of participation is located in the participatory development discourse, whereas efficiency is rooted in the New Public Management (NPM) approach. The notion of partnership may dissolve away since the NPM relies on a corporatization and privatization bias. There may, however, be some scope of a limited nature for partnerships through civil society delivery in the form of job creation through, for example, public works programmes. It remains to be seen how the more elaborate project of democracy through civil society participation can be realized.

Institutional transformation and human development are conceptually linked to the issues of equality, participation, redistributing power and public resources. Since 1994, and especially after the 1999 elections, there has been considerable achievement with regard to policy development, setting up of institutions to support the constitution, a decentralizing political framework, and public service delivery in the areas of education, health, housing, water and sanitation, and the criminal justice system. Importantly also, these achievements have been possible through restructuring the public sector.

With this problem in mind, and by highlighting the models of governance as well as the policy options, it becomes possible to map possible strategies available to local government and civil society. However, a critical grasp of possible strategic options impinges on the broader South African transformation process. Therefore, choosing a governance model on its own is not enough to promote development. Policy must be

infused with a political agenda with clear principles and priorities that reflect the broad developmental goals.

3.4 LOCAL GOVERNMENT POLICY AND LEGISLATION

The right to development is included in policies and law in South Africa post-1994. The right to development became part of international law when the United Nations adopted the Declaration on the Right to Development in 1986 (Daniels, 2006: 8). The Declaration established the right to development as an inalienable human right. These rights have definitive implications for how governments relate to their citizens.

The South African Constitution does not include the right to development, but does recognize the rights to human dignity, equality, equity, democracy, and justice. The Bill of Rights in the Constitution provides for social and economic rights, such as the right to basic services and health care within certain limits. It is mostly the responsibility of local government to promote and fulfill these rights. The research supports the view that the South African Constitutional provisions in the Bill of Rights may be considered to be part of the right to development.

The transformative platform for the developmental state was the African National Congress's Reconstruction and Development Programme (RDP). As indicated elsewhere in the research, the RDP was withdrawn owing to resource constraints and policy shifts, but it continued to inform other policies and legislation, in particular developmental local government.

Following from the Constitution of South Africa is a set of local government legislation that also enshrines the right to development and participation. These legislation and

other transformative policies together frame the developmental path of local government.

This subsection first explains the principle theme of participation in developmental local government. It then deals with the Constitutional provisions for developmental local government, followed by policy approaches to transform the public sector. These policies include the Reconstruction and Development Programme, White Paper on the Transformation of the Public Service, and the White Paper on Transforming Public Service Delivery (Batho Pele). The chapter proceeds to the pioneering White Paper on Local Government, which is the foundation for other legislative pieces.

The subsection then outlines the following local government legislation: the Local Government: Municipal Structures Act, 1998; Local Government: Municipal Systems Act, 2000; Local Government: Municipal Finance Management Act, 2003, and the Local Government: Municipal Property Rates Act, 2004, for their provisions on participation.

The subsection is completed by the importance of service delivery *vis-à-vis* Municipal Service partnerships, in terms of the White Paper on Municipal Service Partnerships 2004. This White Paper is an extension of the White Paper on Local Government, 1998 within the context that municipal service partnerships are an integral strategy for implementing the municipal infrastructure programme (DPLG, 2004: 1).

The subsection concludes with a discussion on the limits to participation as circumscribed by the legislation and the socio-ethics of participation. The latter theme highlights the values-based provisions of the policy and legal framework of developmental local government.

This subsection partly addresses the second research problem, namely the coherence of participation policy against the backdrop of representative and deliberative democratic practice in the local government sphere in South Africa.

3.4.1 Developmental local government

Local government has become the implementing agency for development in South Africa. The system of developmental local government in South Africa has become the Reconstruction and Development Programme working from the local level. This idea was captured by Nelson Mandela when he described local government as the “arms and legs of the Reconstruction and Development Programme” (Parnell, 2002: 18). Municipalities now have the imperative of poverty alleviation through local economic development. The first Local Government Budgets and Expenditure Review published in 2006 also refers to local government as the ‘service delivery arm of government’ playing a crucial role in South Africa’s transformation (RSA, 2006:1).

The post-apartheid vision of local government encapsulates far more than its previous role as regulator and service deliverer. In terms of the Constitution of South Africa and the Reconstruction and Development Programme, developmental local government is commissioned with transforming the country with special emphasis on the most disadvantaged sections of society (RSA, 1996: 81; ANC, 1994: 4-6). Local government has an enormous role in the promotion of civic, political, social and economic justice, and the institutionalization of participatory practices.

In South Africa, the concept of developmental government has currency. According to Reddy (1999: 209), developmental government has four characteristics: exercising municipal powers and functions in a manner that maximizes their impact on social development and economic growth; playing an integrating and co-ordinating role to ensure alignment between the public and private investment; democratizing development; and building social capital through providing community leadership and

vision and seeking to empower marginalized and excluded groups within the community.

Local government is answerable to the people it serves and, more importantly, it is seen as responsive to needs and conditions. There is a new value system attached to governance that includes effectiveness, sensitivity, and capacity to carry out its mandate. There is also an emphasis on transparency, accessibility, information disbursement and an ongoing dialogue with communities. The Constitution also spells out procedural and administrative justice as a forerunner to more substantive equality (RSA, 1996: 107-111).

The White Paper on Local Government outlines four characteristics of developmental local government which links it with the Constitution in order to enable development: maximize the social development and growth of the community; integrate and co-ordinate; democratize development by empowering and redistributing; and lead and learn (RSA, 1996: 17). Overall, developmental local government would be constructed around the following key responsibilities: poverty alleviation; economic growth; co-ordinated governance; increasing democratic participation; focus on vulnerable groups; and environmental sustainability (RSA, 1996: 17).

In a recent review process of the White Paper on Local Government, the Good Governance Learning Network (GGLN) believes that the fundamental vision and principles of developmental local government for the most part remains relevant in the current context (GGLN, 2007: 4). The review reinforces the developmental characteristics and outcomes of developmental local government. With respect to the key tools and approaches required to realize the outcomes, the review maintains the continued relevance of Integrated Development Planning (IDP), performance management, and *working together with local citizens and partners* (own emphasis). With regard to the third approach, citizens are encouraged to participate actively at four

levels: as voters; as citizens who express their views in policy processes through various stakeholder associations; as consumers and end-users of government services; and as organized partners involved in the mobilization of resources for development *vis-à-vis* businesses, NGOs and CBOs (GGLN, 2007: 5).

Atkinson (2002: 17) frames local government as 'polities' in their own right. They are not simply bureaucratic edifices, but are elected directly by citizens, and party politics plays an important role in municipal governance. Representation is viewed as a complex and difficult activity. Given the difficulties associated with local governments, the author proposes that local government require the following strategic capacities:

- the calibre to perform optimally in their multiple responsibilities to both their constituencies and the municipal council;
- the complex relationships between politicians and officials need to be clarified and institutionalized;
- the role of other representatives, in particular, ward committees, have to be clarified and institutionalized; and
- public participation needs to be enhanced and made more effective (Atkinson, 2002: 17).

Against the backdrop of the challenges above, the research proceeds to describe policy and legislation that give effect to developmental local government. Participation is highlighted as one of the keys to effective local government. One important argument for participation is that if stakeholders are included in decision-making, they will become self-reliant and development programmes will be seen as legitimate (Theron in Davids et al, 2005: 111).

3.4.2 Participation in policy and legislation in South Africa

3.4.2.1 Participation in the RDP

The decision-making environment in South Africa has dramatically changed since the 1990s. The unbanning of the ANC in February 1990 ushered in an era of negotiation and social dialogue that was unprecedented in South Africa. The negotiated settlement also brought in a radically different political culture from that which existed previously. From a previously secretive and authoritarian mode of decision-making, the trend is towards a more public and accountable decision-making process. Towards this end, participatory and direct democracy has been brought to bear in policy-making, budget formulation, legislation and planning (Houston, 2001: 7).

The policy plank for democratic, developmental local government where citizens' participation feature are contained initially in the Constitution of South Africa, and thereafter given content in the White Paper on Local Government (1996); the Local Government: Municipal Structures Act (1998); the Local Government: Municipal Systems Act (2000); and the Local Government: Municipal Finance Management Act (2003). Collectively, the documents provide for both the institutional involvement of the community and community organisations in local government matters, as well as for consultation with communities through methods such as consultative meetings and public hearings.

The concept of 'participation' has been widely used in the development discourse. In South Africa, the previous idea of participation was popularized both within communities in social development programmes and at the workplace as democratic management by the leading trade unions. However, currently the principle of community or citizen participation is taking place within a constitutional and legislative

framework that places participation at the very centre of the system of local government.

The notion of a role for civil society in democratic governance at all the different levels of governance was recognized by the African National Congress (ANC) in its policy document, the Reconstruction and Development Programme, in 1994. The RDP purports that democracy requires that all South Africans have access to power and the right to exercise their power will ensure that all people participate in the process of reconstructing the country (ANC, 1994: 120). The RDP envisages the democratic process as:

“Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections. Without undermining the authority and responsibilities of elected representative bodies (the national assembly, provincial legislatures, local government), the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens...and facilitate direct democracy (people’s forums, referenda where appropriate, and other consultation processes” (ANC, 1994: 120-121).

3.4.2.2 Participation in the Constitution of South Africa

The framers of the new Constitution held a unity of vision for the reconstruction and development of South Africa. The Constitution spells out procedural and administrative justice in order to achieve substantive equality among the population. The Constitution confers basic individual rights and also seeks the fundamental transformation of the way of life of all South Africans. It seeks to heal the past divisions; to establish a society based on democratic values and equality; improve the quality of the life of all citizens; and build a democratic and sovereign state within the world order.

Chapter 7 of the Constitution (RSA, 1996: 81) sets out the developmental agenda that would be made a reality from the local level. The concept of governance has replaced government. Governance implies a particular style of interactive governing. There is a new value system attached to governance that includes effectiveness, sensitivity, and capacity to carry out its mandate. There is also an emphasis on transparency, accessibility, information disbursement, and an ongoing dialogue with communities (Atkinson and Reitzes, 1998: 3).

In order to achieve equity and the social well-being of all people, the Constitution makes certain requisites. Key among these are the promise of redress of past discrimination where corrective and affirmative action will be taken in such areas as land redistribution and provision of basic services such as water, etc; the encouragement of all spheres of government to ensure social and economic rights through co-operative governance across the spheres; and the obligation by local government to deliver a variety of social and economic initiatives (RSA, 1996: 6-25).

In order to deliver on the rights and development initiatives, the Constitution encourages *vis-à-vis* the objects of local government, the involvement of communities and community organizations in matters of local government (RSA, 1996: 81).

The Constitution places an imperative on participation to ensure sustainable, democratic, and developmental local government. Article 40 sets out the objects of local government as follows:

- to provide democratic and accountable government for local communities;
- to ensure the provision of services to communities in a sustainable manner;
- to promote social and economic development;
- to promote a safe and healthy environment; and

- to encourage the involvement of local communities and community organizations in the matters of local government (RSA, 1996: 81).

In addition, Article 153 then spells out the developmental duties of a municipality as follows:

- structure and manage its administration, budgeting and planning processes to give priority to the basic needs of the community, and promote the social and economic development of the community; and
- participate in national and provincial development programmes (RSA, 1996: 81-82).

The Constitution calls for a robust local government system which can provide:

- democratic and accountable government for local communities;
- ensure the provision of services to communities in a sustainable manner;
- promote social and economic development;
- promote a safe and healthy living environment; and
- encourage the involvement of communities and community organizations in the matters of local government (RSA, 1996: 81).

Finally, Chapter 10 of the Constitution (RSA, 1996: 107-111) sets out the basic values and principles governing public administration. The section takes a people-centred approach to the manner in which the public service interacts with citizens. This section also sets the tone for further legislation in the form of the Batho Pele Principles (DPSA, 1997).

The transfer of power and autonomy to local government is a new development in South Africa. The new vision of local government encapsulates far more than its

previous role as regulator and service provider. The Constitution confers upon local government developmental duties giving priority to the basic needs of the community and to the promotion of social and economic development. Local government has the encompassing role of promoting civic, political, social, and economic justice and the institutionalization of democratic practice. The performance of local government is therefore seen as the launch pad for promoting regional and national development.

It is very evident that the instrument towards realizing developmental local government is shared decision-making processes with civil society through the notion of citizens' participation.

3.4.2.3 The White Paper on the Transformation of the Public Service, 1995 (WPTPS)

The White Paper on the Transformation of the Public Service (WPTPS), published in November 1995, sets out eight transformation priorities. Amongst these, transforming service delivery, and 'rightsizing' are key (RSA, 1995: 3). Government is of the view that a transformed South African public service will be judged most of all by one criterion: its effectiveness in delivering services which meet the basic needs of all citizens.

In line with the Constitution of South Africa, the WPTPS calls on all national and provincial departments to make service delivery a priority. The WPTPS also provides a framework to enable national and provincial departments to develop departmental service delivery strategies. These strategies will need to promote continuous improvements in the quality, quantity and equity of service provision. Chapter 11 of the WPTPS directs national and provincial governments to identify, among other things:

- a mission statement for service delivery, together with service guarantees;
- the services to be provided, to which groups, and at what service charges;

- in line with RDP priorities, the principle of affordability, and the principle of redirecting resources to areas and groups previously under-resourced;
- service standards, defined outputs and targets, and performance indicators, benchmarked against comparable international standards;
- monitoring and evaluation mechanisms and structures, designed to measure progress and introduce corrective action, where appropriate;
- plans for staffing, human resource development and organizational capacity-building, tailored to service delivery needs;
- the redirection of human and other resources from administrative tasks to service provision, particularly for disadvantaged groups and areas;
- financial plans that link budgets directly to service needs and personnel plans;
- potential partnerships with the private sector, non-governmental organizations (NGOs) and community-based organizations (CBOs) which will provide more effective forms of service delivery; and
- the development, particularly through training, of a culture of customer care and of approaches to service delivery that are sensitive to issues of race, gender and disability (RSA, 1995: 4).

The WPTPS stipulates further that, in order to ensure that service delivery is constantly improved, national and provincial departments will be required to outline their specific short, medium, and long-term goals for service provision. They will also be required to provide annual and five-yearly targets for the delivery of specific services, and will be required to report to their respective national and provincial legislatures on their achievements.

The WPTPS is about improving service delivery. It calls for a shift away from inward-looking, bureaucratic systems, processes and attitudes, and a search for new ways of working which put the needs of the public first, is better, faster and more responsive to

the citizens' needs. It also means a complete change in the way that services are delivered. The objectives of service delivery therefore include welfare, equity, and efficiency.

Crucially, Section 2.4 points out that vision and mission for the new public service are based on a fundamental redefinition of the role of the state and its relationship to civil society. The new vision envisages a partnership between the state and civil society (RSA, 1995: 5).

The WPTPS commits to transforming the state to an enabling agency which would serve and empower all the people of the country in a fully accountable and transparent way. This process can succeed only if it is carried out in partnership with the organizations of civil society. The WPTPS therefore calls for 'structured opportunities' to involve civil society in the formulation, implementation and monitoring of government policies and programmes at all levels, national, provincial and local (RSA, 1995: 5).

3.4.2.4 The White Paper on Transforming Public Service Delivery, 1997 (WTPSD)

The WTPSD, commonly referred to as "Batho Pele", published in September 1997, is modelled as 'a guiding principle of the public service in South Africa that will be of service to the people' (RSA, 1997: 9). The WTPSD is about *how* public services are provided, and specifically about improving the efficiency and effectiveness of the way in which services are delivered. It is not about *what* services are delivered, i.e. their volume, level, and quality. The *what* is the responsibility of decisions by Ministers, Members of Executive Councils (MECs) in provinces, other executing authorities and the appointed heads of government institutions. In other words, leadership (political and appointed officials) will play a central role in deciding what type and extent of services will be provided and under what circumstances.

The WTPSD highlights two characteristics of the old institutions of service delivery:

- that decision-making was over-centralized; and
- that structures were hierarchical and rule-bound, as inherited from the previous government (RSA, 1997: 5).

This makes it difficult for government to hold individuals accountable because:

- decision-making is diffused;
- they are focused on inputs rather than on outcomes;
- they do not encourage value for money;
- they do not reward innovation and creativity;
- they reward uniformity more than effectiveness and responsiveness; and
- they encourage inward-looking, inflexible attitudes which are at odds with the vision of a public service whose highest aim is service delivery to the people (RSA, 1997: 9).

The WTPSD intends to rid the public service of outdated systems and practices. Major reforms include budgeting, human resource management, accounting systems for service delivery, leadership based on achieving specific objectives, and increased flexibility to manage operations in line with developmental objectives.

The WTPSD therefore aims to provide citizen-oriented customer services (RSA, 2005: 19). This means that all public servants, including municipal staff, are required to ensure that the service they offer to the public is equally efficient and polite. Batho Pele calls for a shift away from the inward-looking, bureaucratic systems, processes, and attitudes to an attitude that says 'the needs of the public come first' (RSA, 2005: 19). Service delivery should therefore be characterized by welfare, equity and efficiency afforded to all citizens. The Batho Pele policy framework consists of eight service delivery principles:

- **Consultation** – Citizens should be consulted about the levels and quality of public services they receive and, wherever possible, should be given a choice about the services that are offered.
- **Service standards** – Citizens should be told what level of service and quality of public services they will receive so that they are aware of what to expect.
- **Access** – All citizens should have equal access to services to which they are entitled.
- **Courtesy** – Citizens should be treated with courtesy and consideration.
- **Information** – Citizens should be given full, accurate information about the public services they are entitled to receive.
- **Openness and transparency** – Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.
- **Redress** – If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.
- **Value for money** – Public services should be provided economically and efficiently in order to give citizens the best possible value for money (RSA, 1997: 15).

Crucially, provincial and local governments are required to form partnerships with the private sector, non-governmental organizations (NGOS) and community-based organizations (CBOS) which will provide more effective forms of service delivery (RSA, 1997: 11). The Batho Pele principles can be used by the public and ward committees as benchmarks to monitor and provide feedback on municipal service quality, especially 'across the counter service' (RSA, 2005: 20).

3.4.2.5 Participation in the White Paper on Local Government, 1998

Section B of the White Paper on Local Government (RSA, 1998: 33) obliges municipalities to develop mechanisms to ensure citizen participation in policy initiation, formulation, implementation, monitoring, and evaluation of programmes. Each municipality must develop a localized system of participation.

The White Paper outlines four characteristics of developmental local government which links it with the constitution in order to enable development:

- maximize the social development and growth of the community;
- integrate and co-ordinate;
- democratize development by empowering and redistributing; and
- lead and learn (RSA, 1998: 17).

Overall, developmental local government would be constructed around the following key responsibilities: poverty alleviation; economic growth; co-ordinated governance; increasing democratic participation; focus on vulnerable groups; and environmental sustainability.

In terms of participation, Section 3.3 of the White Paper directs metropolitan governments to promote local democracy: “The local sphere is an arena where citizens can participate in decision-making to shape their own living environments, and exercise and extend their democratic (social, economic and political) rights...Metropolitan residents should have a voice in decisions which affect them at their work, at home and at places of recreation. As in all democratic systems, there is a need in metropolitan systems to ensure that the exercise of the democratic rights of some groups does not infringe on the economic, social, or political rights of other groups” (RSA, 1998: 33).

3.4.2.6 Participation in the Local Government: Municipal Structures Act, 1998

Chapter 2 (Section 19) of the Act requires a municipality to strive, within its capacity, to achieve the objectives set out in Section 152 of the Constitution, namely to:

- develop mechanisms to consult the community and community organizations in performance of its functions and exercising its powers; and
- annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes (RSA, 2005: 14).

Chapter 4 of the Local Government: Municipal Structures Act provides a powerful legal framework for participatory local government and ward committees in particular. The objective of ward committees is to enhance participatory democracy. By institutionalizing ward committees, the Act vests legal obligation and oversight on the part of the municipality for ward committees to perform their duties.

The Act further provides for:

- a framework for the powers and functions of ward committees;
- the term of office;
- procedures for dealing with vacancies;
- a ruling on remuneration; and
- procedures for dissolution of ward committees (RSA, 1998: 46).

Ward committees have been established as a tool to encourage community participation for municipalities that have opted to have them. They are a creation of legislation, the Local Government: Municipal Structures Act, 1998 giving effect to the Constitution. These structures are committees of not more than 10 members of a ward,

and a ward councillor is the chair. The ward committee should represent a diversity of interests, and this means including civic or ratepayer bodies, development organizations, labour unions, business associations, transport and consumer associations, women, youth, and faith-based, cultural and other bodies. Its role is to facilitate participatory democracy; disseminate information; help rebuild partnerships for improved service delivery and development; and assist with problems experienced by people at the ward level (IDASA, 2002b).

The Local Government: Municipal Structures Act makes provision for the establishment of ward committees as a possible way of encouraging community participation in municipal matters. A ward committee is an area-based committee whose boundary coincides with ward boundaries. Ward committees:

- are made up of representatives of a particular ward;
- are made up of members who represent various interests within the ward;
- are chaired by the ward councillor;
- are meant to be an institutionalized channel of communication and interaction between communities and municipalities;
- gives the community members the opportunity to express their needs and their opinions on issues that affect their lives and to have these heard at the municipal level via the ward councillor;
- are advisory bodies created within the sphere of civil society to assist the ward councillor in carrying out his/her mandate in the most democratic manner possible (RSA, 2005: 20; RSA, 1998: 72).

Crucially, then, ward committees serve:

- to raise issues about the local ward to the ward councillor;
- as a link between the councillor and the community;

- to participate in decisions, planning, projects, the IDPs, performance management and allocation of funds made to it by the municipality;
- an important role in informing municipal performance and local budgeting.

The objectives and intentions of the ward committees are clearly set out, but this does not mean that they are insulated from challenges. The research poses some of these challenges including:

- Ward committees may be influenced by political parties in the election and appointment procedures of members.
- Ward committees may reproduce the political forces in a local area, thereby blocking other less influential political groups.
- Ward committees may have unintended consequences in a local area such as alienating certain interests.
- Ward committees may entrench demographic features of a local area in terms of race and class.
- Ward committees may be seen as political instruments for leverage and affluence.
- Ward committees may serve as voting banks during electioneering.

In aggregate terms, ward committees have the potential for other broader challenges, including:

- **Intra-competitive tensions** - between wards in terms of planning and priority setting, service delivery and redress. As a particular ward committee will have a vision of its own spatial and economic circumstances, it may not be willing to allow the flow of development away from it, where priorities may be higher or more urgent.

- **Multiple- and multiple-party allocations** – Certain wards have more than one elected or proportional representative councillor, or a combination of both. This problem is owing to the local government demarcation process, combined with the local government electoral representative process. This experience may reproduce political tensions within the ward itself and may lead to stalling or breakdown of the system. This question will be elaborated upon in chapter 7 of this research report.
- **Competition with community structures** – Ward committees may fall into the trap of thinking that they are the gate-keepers of the community and consequently produce tensions that divide rather than unite a community. The independence of community structures must be recognized in principle.

The ward committee system is still in its formative stages and as ward committees gain experience, it is possible that several other problem areas might emerge. The initial establishment of the system was *ad hoc* and the committees differ from province to province and municipality to municipality (RSA, 2005: 22). One of the key factors was the passing of local government legislation in 1998 and 2000. The first local government elections took place in December 2000 and 2001 was the year in which most ward committees were established, with the exception of the Western Cape and KwaZulu-Natal which opted to implement ward committees in 2004.

It is clear that the ward committee system needs more time for development and must be followed by research to establish their efficiencies and problem areas.

However, international experience shows that formal structures are not the only form of community representation. Citizens may also be invited to participate on certain council committees such as a citizens' advisory budget committee. Some councils have also created sub-council organizations to facilitate public consultation and involvement in decision-making at a more local level. Councils in the United Kingdom, for example,

have created a forum for all partners in the community to come together for planning and co-ordination (IDASA, 2002b: 1).

The following are some of the other mechanisms that municipalities can put in place to enhance community participation in local governance (IDASA, 2002b: 2):

Public meetings: Public meetings are the most common method of public participation. Municipalities invite the public to attend council meetings. They can discuss anything from development to reports to the community on progress of projects taking place in the area. Also council meetings are open to the public. The Local Government: Municipal Systems Act clearly provides for public notices regarding time, venue and date of a council meeting. The same can be said of other public meeting called by the council.

Public hearings: Public hearings are usually held to give the community a fair and open opportunity to state its case on a matter. They are commonly used by national and provincial legislatures as part of the process of making law. Municipalities also make by-laws and are required by law to publish them.

Public hearings can be held to allow the public an opportunity to input into the process of developing certain by-laws, especially if they bring changes to the way of doing things in the municipal area. Inputs at hearings are normally through direct communication, although written submissions are encouraged.

Consultative sessions: Municipalities are tasked with the social and economic development of their communities. As this is a new mandate for many municipalities, it is important to consult the community on matters of development generally. Communities can therefore own the development processes in their areas. Consultative sessions can prove very fruitful to participatory governance.

Report back meetings: The community is entitled to be informed of decisions the municipality takes affecting its rights and expectations as well as regular disclosure of the state of affairs and finances of the municipality. Regular report-back meetings can be used for this purpose. Representatives and ward councillors are expected to report back to their communities on their activities.

Advisory committees: According to the Local Government: Municipal Systems Act, a municipality may establish one or more advisory committees consisting of persons who may advise the council on any matter within the council's competence. These committees can be very useful in that they bring in expertise that may not be resident in council or that may complement council's expertise.

These committees can be technical or be on matters of governance, in which case the community based organizations and NGOs can play a meaningful role in local governance. It is important that these committees are gender-sensitive.

Focus or interest groups: Concerned individuals in a community who share the same interest (for example, tourism, crime, or concern for the environment) may form groups to lobby and advise the municipal government on those specialist interests. They can also be consulted by municipalities for advice.

Communication: Communication is a very important tool in facilitating participatory governance. It is therefore crucial for a municipality to have a newsletter, hold annual general meetings, establish information points, or help centres form strategic partnerships with various stakeholders in the community (IDASA, 2002: 4).

The ward committee system can become an effective instrument for participation at the local level, provided that the local councillor leads the process. However, problems could also arise, for example, if the councillor is not effective, or if the ward is

dominated by a particular interest group. Additionally, there may be confusion if the ward committee system operates in parallel to other forms of consultation methods as outlined above.

3.4.2.7 Participation in the Local Government: Municipal Systems Act, 2000

Chapter 4 of the Municipal Systems Act of 2000 provides a framework for community participation in local government and sets out the legal obligations of municipalities regarding what they must do to enable communities to participate in core local government processes (RSA, 2000: 30).

According to Section 16 of the Act, municipalities must encourage and create conditions for the community to participate in the affairs of the municipality, including:

- preparation, implementation and review of the municipality's Integrated Development Plan;
- establishment, implementation and review of its Performance Management Plan;
- monitoring and review of the municipality's impact and performance;
- preparation of the annual budgets;
- review of decisions that relate to the provision of municipal services;
- build the capacity of staff and local communities, and to foster community participation; and
- allocate funds in the municipal budget for community participation (RSA, 2000: 30).

Section 17 of the Local Government: Municipal Systems Act states that participation by the local community in the affairs of the municipality must take place through:

- political structures;
- mechanisms, processes and procedures established by the municipality (e.g. forums, meetings, documents for comments, etc.); and
- municipal councillors.

Municipalities must establish mechanisms, processes, and procedures for the following:

- receiving and considering petitions and complaints from community members;
- notifications and public comment procedures;
- public meetings and hearings;
- consultative sessions with community organizations and traditional authorities; and
- report-backs to local communities (RSA, 2000: 30).

Municipalities must also take into account the special needs of people who cannot read; people with disabilities; women and other disadvantaged groups. Municipalities are also required to communicate regarding how and when they can participate in municipal governance, management, and local development processes. This must be done through local newspapers, local radio stations, and notices on public notice boards at municipal offices. All notices must be in the main languages that are spoken by people living in the municipal area. Municipalities should also have websites to publish notices of meetings and make available all documents that are out for public comment. The municipal manager of a municipality must notify the public of the time, date, and venue of every meeting of the municipal council, including special or urgent meetings (RSA, 2000: 30).

Section 20 of the Local Government: Municipal Systems Act states that meetings of a municipal council, sub-council, and any other council committees must be open to the public and the media (RSA, 2000: 32). The only times the public may not be admitted to

such meetings is when exclusion may be considered reasonable because of the kind of information being discussed in the meeting and where a municipal by-law or a resolution by council has been passed which specifies the circumstances under which meetings may be closed to the public. All meetings where draft by-laws, IDPs, performance management systems, service delivery agreements, or amendments, are being tabled, or voted on, must be open to the public and the media.

Members of communities, like municipal councils, have rights and duties. Members of the local community have the right to:

- participate in the decision-making processes of the municipality;
- use and enjoy public facilities;
- access to municipal services;
- submit recommendations, complaints or representations to the municipality;
- expect prompt responses from the municipality;
- be informed of decisions of the municipal council;
- expect the council to disclose information about its business and finances; attend meetings of the municipal council and its committees; and
- demand that the council acts in a transparent and impartial way (Davids, 2006: 7).

Municipal processes such as planning, budgeting, and service delivery can be complex and difficult to understand. Local residents and groups with access to skills and resources may be in a better position to participate in these complex processes than other less resourced residents and groups. To 'level the playing field' and ensure that all residents and groups are able to participate effectively, as stated previously, municipalities must take steps to build the capacity of the local community to participate (RSA, 2000: 30).

3.4.2.8 Participation in the Local Government: Municipal Finance Management Act, 2003

Section 22 of the Local Government: Municipal Finance Management Act, No 56 (2003) provides for the publication of annual local budgets and for the community to be invited to submit representations in connection with the budget. Further, Section 23 calls for consultations with the local community on the tabled budgets (RSA, 2003: 40). After full consultations, the mayor must be given an opportunity to respond to the submissions and, if necessary, to revise the budget and table amendments for consideration by the Council (RSA, 2003: 40).

3.4.2.9 Participation in the Local Government: Municipal Property Rates Act, 2004

Chapter 2, Section 4 (1), (2), and (3) of the Local Government: Municipal Property Rates Act provide for the procedures for community participation in matters of rates policy. Before a municipality adopts its rates policy, the municipality is required to follow the process of community participation in accordance with of Chapter 4, Sections 16 and 17 of the Local Government: Municipal Systems Act (RSA, 2004: 20).

Additionally, the Local Government: Municipal Property Rates Act mandates the Municipal Manager to display draft versions of the rates policy at municipal display points and other public places, including a website and the media. The Municipal Manager must invite the local community to submit comments and representations to the municipality concerned within a specified period of time. The municipal council must then take all comments and representations into account when it considers the draft rates policy (RSA, 2004: 20).

3.4.2.10 Participation in the White Paper on Municipal Service Partnerships

Section F (2) of the White Paper on Local Government proposes new approaches to service delivery (DPLG, 1998: 92). The White Paper on Municipal Service Partnerships is therefore an expression of those intentions. Essentially, the White Paper on Municipal Partnerships sets out an alternative service delivery system. It aims to provide a framework within which to leverage and marshal the resources of public institutions, CBOs, NGOs, and the private sector towards meeting the country's overall development objectives and service delivery backlogs (RSA, 2004: ii).

Municipal service partnerships are defined as “a contractual relationship where an external organization takes responsibility for all or part of the delivery of a municipal service. This can provide a partial or complete transfer of staff and other assets and resources”; “an arrangement whereby a non municipality service provider assumes responsibility for performing functions at a pre-determined process and according to pre-defined performance criteria”; “... the provision of services by an external supplier under an ongoing services contract” (RSA, 2004: 2-3).

The Municipal Service Partnership policy provides for stakeholder consultation; municipal service partnership project identification; public financial support for municipal service partnerships; procurement for municipal service partnerships; municipal service partnership agreements; and institutional arrangements for municipal service partnership projects.

There are other acts that support local governance, including:

- The Preferential Procurement Policy Framework Act (No 5 of 2000) seeks to enhance BEE, thereby redistributing local resources and promoting local economic development (RSA, 2000a: 4).

- The Promotion of Access to Information Act (No 2 of 2000) (RSA, 2000b: 2) gives people the right to have access to any information which the government has if they need it to protect their rights. Officials can refuse to give information only in certain limited situations.
- The Protection of Disclosure Act (No 26 of 2000) (RSA, 2000c: 2) protects people who speak out against government corruption, dishonesty or bad administration.
- The Promotion of Administrative Justice Act (No 3 of 2000) (RSA, 2000d: 4) states that all decisions of administrative bodies have to be lawful, procedurally fair and reasonable. People have a right to be given reasons for decisions taken by government officials.

Taken collectively, the above legislation and policies provide a framework for a democratic, accountable, and developmental local government system, as envisaged by the Constitution.

3.5 LIMITATIONS TO CITIZENS' PARTICIPATION

While participation is legislated for in South Africa, it is not without limitations (IDASA, 2002b: 3). Participatory governance should not permit interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality. The municipal council, which is the product of representative democracy, has the sole legal mandate to govern. More importantly, it has the political legitimacy to do so.

Participatory democracy is there to complement the politically legitimate and legally responsible structures. A community participatory structure such as a ward committee, for instance, may add to the formal structures of government, but may not replace or substitute them (IDASA, 2002b: 3).

However, the promotion of participation must be encouraged through three interrelated elements: an open and transparent government, involving citizens in its activities and decision-making processes; a consistent and persistent flow of information from the government to its citizens and vice versa; and efficient ways of informing citizens about their roles and responsibilities to participate as equal partners (IDASA, 2002b: 3).

3.6 SOCIO-ETHICS OF PARTICIPATION

Inequalities and inequities continue to exist across the world and within economies. The World Bank ascribes two main reasons for the inequalities and inequities: firstly, some groups have consistently inferior opportunities – economic, social, and political – than those of their fellow citizens. The second reason is related the first where economic and political inequalities give rise to impaired institutional development which perpetuates inequalities in power, status and wealth (World Bank, 2006: 113-114). The analysis explains that institutions and governance are central to development.

The underlying point is that individuals and groups have very little control over the disparities caused by the economy and its institutions, and this impinges on people's human rights. The core moral and ethical principles include the concern for equity and the manner in which power reigns over the everyday lives of ordinary people. These ethical and moral principles in turn support participation mechanisms and approaches.

Chapter 10 of the Constitution (RSA, 1996: 107-111) sets out the basic values and principles governing public administration. The Constitution takes a people-centred approach in the manner the public service interacts with citizens. The public administration is always directed at the satisfaction of the needs of the public and the

resolution of its problems. This means that public administration should be acting in harmony with the public and should be in equilibrium with the environment.

Gildenhuis and Knipe (2000: 155) view a value-oriented approach in public administration in the following manner:

- **Responsiveness to public needs and problems** - Officials and political leadership should be communicating with one other, and officials should always scan the environment.
- **Public participation in decision making** - This means the move towards participatory democracy must include those affected or receiving services.
- **Free choice of public services** - Ways of providing choices is through privatization and the abolition of monopolies.
- **Responsibility for programme effectiveness** - This is possible through decentralization and delegation of decision-making and performance standards. There must also be measurement and evaluation of results.
- **Social equity** - Service delivery must ensure social justice, especially where the needs of all people are to be met. Public officials must be value-bounded and function according to a code of ethics to ensure social equity (Gildenhuis and Knipe, 2000: 155).

The International Association of Participation (IAP2) has developed the 'IAP2 Core Values for Public Participation' for use in the development and implementation of public participation processes. The purpose of these core values is to help make better decisions which reflect the interests and concerns of potentially affected people. The core values for the practice of public participation include:

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.

- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision (IAP2, 2008: 1).

Additionally, the research takes the view that effective policy approaches to participation should be informed by a historically-driven sense of human dignity and well-being, where basic human rights are acknowledged and which includes the total actual experiences of every day life. Policy and participation should therefore consist of a socio-ethical basis that includes:

- the ethos of a caring and sharing society;
- programmes that aim to break the cycle of poverty and deprivation;
- countering the malfunctioning of institutions;
- involving the marginalized in all stages of planning and implementation and processes;
- instituting positive discrimination policies where needed to rectify imbalances;
- making restitution and compensation where necessary to make up for the past;
- including all the elements of a good life must be included in planning, goals and results;

- encouraging co-operation and a supportive environment;
- driving the overall values, motivations, processes, operations, etc., according to a central ethical theme within government as a whole, by its agencies, and employees;
- installing mechanisms to prevent and sanction inequalities, abuses and unethical behaviours; and
- ensuring that the messages of unity, democracy, non-sexism, peace and prosperity resonate clearly in all thinking, practices and endeavours.

Local government in South Africa represents the democratically elected representatives of all the people of that local area. These representatives are expected to behave in an honest and transparent manner, and to remain always accountable to the voters. There are procedures in place to ensure that and these representatives do not become corrupt or self-serving. The code of conduct as set out in the Local Government; Municipal Systems Act, 2000, Schedule 1, include the following:

- **Meetings** – Representatives must attend meetings unless they have been granted leave of absence. They can be fined for not attending, and if they do not attend three or more successive meetings, they may be removed from office.
- **Disclosure of interests and personal gain** – They may not use their influence to gain any benefits from municipal work or contracts. If their business partners or family members or partners have an interest in a matter being discussed by council or a committee they are part of, they have to disclose such interests to the meeting. They should then withdraw from those meetings until a decision is taken. They must also disclose any gifts received above a certain value.
- **Full-time** – If they are full-time councillors, they may not have any other paid employment unless they have the approval of council.
- **Gifts** – They may not ask for or accept gifts or rewards, or accept favours to vote in certain ways or to use their influence in council.

- **Disclosing information** – They may not disclose any confidential information heard in a closed committee meeting or read in a confidential council document.
- **Intervention on the administration** – They may not interfere in the administration or management of a department unless mandated by council. They may not give orders to staff or prevent staff from doing their jobs. This, however, does not preclude them from asking questions, requesting information, monitoring progress, or lodging complaints.
- **Council property** – They may not make use of, take or benefit from any municipal property or assets unless they have a right to it.
- **Breaking the code** – Anyone suspected of breaking the code of conduct must be investigated through the laid-down procedure leading up to the Member of the Executive of the provincial government concerned (RSA, 2000: 106-114).

While an ethical system might be the ideal manner of regularizing human actions, the process is not straightforward and universally valid. Any system of ethics is based upon a broader set of values that are reflected in institutional arrangements – such as competitive elections, liberties such as freedom of expression and association, and universal suffrage. Institutional arrangements that advance certain values are referred to by Fung (2006: 3) as ‘value deduced institutional’ packages. Fung points out that the trouble with any ‘value deduced institutional’ package is that it is valid for only limited range of public problems and social context. Given that democracy is viewed from many contexts and meanings, the ‘value deduced institutional’ package will have limited scope and fail to advance values overall.

3.7 CONCLUSION

The chapter has traced the development of the new governance paradigm for South Africa. Much of the thinking was captured by the Sixth Global Forum on Reinventing

Government which declared that a new paradigm based on networks now operates where states and citizens, governments and private citizens, organizations and citizens formed a web of relations (Kim et al, 2005: 647). Basically, governance is now a multiple stakeholder process.

The chapter referred to Moodley (in Baccus and Hicks, 2007: 5), who justified the participatory approaches adopted by the eThekweni Municipality by listing in detail issues under the headings of 'why participation'; 'participation how'; 'when participation'; 'participation around what'; and 'who should participate'. The acceptance of the participatory logic was demonstrated by Davids (2005: 88), whose central concern was whether an approach passed the 'empowerment test', i.e. whether participation increased or decreased people's power to control their own lives.

The key conclusion of the chapter was that the participation model in South Africa had its genesis in the New Public Management Model. The chapter referred to Pieterse (in Parnell et al, 2002) who argued that the White Paper on Local Government consisted of a blend of ideas in the New Public Management Model which emphasized participatory development approaches.

The choice of a local governance model has ideological implications. It must be remembered that such choices will generate particular attitudes and points of debate from participants of civil society formations. These dilemmas will be discussed in chapter 4.

The chapter also showed that participation in South Africa is entrenched in a rigorous policy platform and legislative set covering local government processes with particular concern for service delivery. The policy platform includes White Paper policies, local government legislation, and other supporting legislation aimed at improving and strengthening the public administration. The key institutional instrument for

participative processes includes the ward committees and community-based planning. As shown in chapter 2, the Draft National Policy Framework for Public Participation envisages improving the accountability of ward and municipal structures to one another (RSA, 2005: 1).

The chapter also counterbalanced the responsibilities of local government with that of the responsibility of citizens to act in ways that countenance process and procedures. There are limits to participation, and citizens cannot disrupt or usurp the legal mandates and operations of municipalities. The chapter therefore highlighted a values-based approach to participation on the part of participants.

It is clearly evident that the South African version of local government, good governance, and participation are in line with international standards and norms. It can be deduced from the foregoing that South Africa is indeed on a path towards joining the ranks of the globalized developed countries of the north by emulating their governance models.

However, the key concern of the chapter is the generic nature of the rules of engagement for participation. Local municipalities differ from their immediate and distant neighbours across the nine provinces of South Africa. The challenges go deep into individual local municipalities to adapt their participatory approaches not only to local conditions, but also in terms of resources, capacity, politics and other conditions. While an effort can be made to generalize certain participative principles through instruments such as the Draft National Policy for Public Participation (RSA, 2005) referred to in Chapter 2 and Citizen's Charter referred to in Chapter 5 (Pieterse, 2002: 32), the research takes the view that the local context will require adapted forms of participation. This view is supported by previous research undertaken at the eThekweni Municipality (Govender et al, 2007: 55-66).

CHAPTER 4

CIVIL SOCIETY RELATIONS AND PARTICIPATION

4.1 INTRODUCTION

The South African government is committed to the effort of ensuring inclusive governance at the local sphere. It remains to be seen to what extent the new vision of a transparent and participatory democracy has meaning. However, the thinking on the side of civil society is unclear and may even be considered divided over the extent of opportunity and limits to participation. The research therefore subjects the role of civil society in local governance to crucial examination.

The chapter begins with an overview of key aspects of international civil society, followed by South African civil society. The chapter focuses on the ideas dividing civil society rather than a systematic descriptive analysis of South African civil society. The chapter then introduces and examines the concept of social capital as the new buzz word for effective participation.

The research is conscious that its chosen method of analyzing civil society applies in aggregate terms and may not be applicable to local contexts. However, the empirical research, consisting of an analysis of the perceptions of community stakeholders in the eThekweni Municipal Area, will serve the purpose of a preliminary understanding of the thinking by a selected group of civil society formations on participation. This analysis appears in chapter eight and also leads to conclusions of the research in chapter 8.

This chapter partly addresses the third research problem, namely, the state of capacity of participants in the deliberative processes and their willingness to exert pressure for new spaces for participation.

4.2 THE NATURE OF CIVIL SOCIETY

4.2.1 Civil society globally

According to the IDS, there exists a vast collection of civil society organizations in the world. They are known to make up a vast array of sectoral groups, including agriculture, environment, development, health, human rights, indigenous peoples, peace, population, religion, trade, youth, and women. They consist of a wide range of types including charities, religious groups, trade unions, grassroots community groups, local self-help groups, professional associations and international networks. They are engaged in diverse activities and struggles in the social, economic, and political spheres (IDS, 2006: 1).

The exercise of defining civil society would be to include some and exclude some, thereby not doing justice to it. The following exercise may demonstrate this. Schmitter (in Whitehead, 2002: 73) defines civil society within democracies as follows:

“A set or system of self-organized intermediary groups that:

- are relatively independent of both authorities and private units of production and reproduction, i.e. firms and families;
- are capable of deliberating about and taking collective actions in defense/promotion of their interests or passions;
- but do not seek to replace either state agents or private (re)producers or to accept responsibility for governing the polity as whole;
- but do agree to act within pre-established rules of a ‘civil’ or legal nature” (Schmitter, in Whitehead, 2002: 73).

The author adds that civil society is therefore not a simple but a compound property. It rests on four conditions or norms: dual autonomy; collective action; non-usurpation; and civility. However, as this chapter shows, civil society is far from a homogeneous group engaged in a set of organized activities.

However, the value of civil society has not gone unnoticed. In embracing civil society, it is believed that it brings expertise and grassroots perceptions to the policy-making process. Some observers believe that the shift towards participation in the public policy may lead to significant improvements in governance (Parliamentary Support Programme, 2001: 60).

The current trend is the formation of international networks to address cross-border issues such as climate change, environmental destruction, trade, debt, and development policy. The Participatory Support Programmes (2001: 60) refer to the Group of Lisbon which has described this development as "global civil society", which plays a historically important role with regard to three functions: they act as the world moral consciousness; they express global needs, aspirations and objectives; and they form the global capacity for innovative strategies and actions.

The concept of "global civil society" as that espoused by interests such as the Group of Lisbon above is highly contested by civil society itself. The movement believes that civil society interconnectedness can be compared to neo-liberal globalization. They hold that civil society is based on concrete collective values that promotes pluralist dialogue that begins at the local level (Fisher and Pooniah, 2003: 192). Civil society, or social movements as they prefer, may construct a universal solidarity, but they also converge through their differences.

In recent years, the emergence of civil society organizations and citizens to express their concerns and disagreements with global capitalism has been phenomenal. The initiative

to form a world-wide civil society event took place in Brazil in 2000. The idea was for a forum with three central ideas: first, the forum should be held in the south; secondly, the name should be World Social Forum (WSF), changing one key word from the name of its main adversary, the World Economic Forum; and third, it should be organized during the same dates as the World Economic Forum (Teivainen, 2003: 123). The main mechanism for the Forum includes the regional and thematic fora held in different parts of the world. The main function of the WSF is to provide space for actors to construct projects in local and global contexts. The diversity of WSF is best expressed in its Charter of Principles as "a plural, diversified, non-confessional, non-governmental and non-party context" (Teivainen, 2003: 123). Given the new dimensions of international civil society, it is clear the participatory project world-wide requires to be spelled out in different terms establishing new principles for civil society relations.

The research therefore takes the view that heterogeneity and diversity at the international level must be the subject of serious examination at the local level as well. There is evidence of difference in approach by the social movements and civics organizations, which has implications for policy as well as participatory choices.

4.2.2 Civil society relations in South Africa

There is a view that, unlike during the apartheid era, parts of civil society are by and large unclear about their roles in the process of democratic transformation (Persaud, n.d.: 6). Habib (in Daniel et al, 2003: 229) also refers to the post-1994 phase of civil society development in South Africa which fundamentally changed its character as a result new opportunities and challenges. The current role of civil society is being shaped by the democratic transition, in particular by pressure to adopt new forms of participatory democracy.

In South Africa, the notion of a role for civil society in democratic governance at the different levels of governance was recognized by the African National Congress (ANC) in its policy document, the Reconstruction and Development Programme in 1994. The RDP purported that democracy requires that all South Africans have access to power, and the right to exercise their power will ensure that all people participate in the process of reconstructing the country (ANC, 1994: 120-121). The RDP envisaged the democratic process as fostering a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens through direct democratic instruments such as people's forums, referenda, and other consultation processes (ANC, 1994: 120-121). Accordingly, the RDP reinforces and mandates local authorities to be structured in such a way as to ensure maximum participation of civil society and communities in decision-making and developmental initiatives of local authorities (ANC, 2004: 131).

There is the recognition that one of South Africa's strengths is a strong and vibrant civil society that may rival other countries on the African continent. The sector also rivals the workforces of the mining industry and the public sector in South Africa (Swilling and Russel, 2002: ix). Clearly, this sector consisting of social movements, non-governmental organizations (NGOs) and non-profit organizations can tip the balance either in favour or disfavour of participative governance.

The divide within civil society may be demonstrated by two contrasting views. The side of the UNDP (South Africa) will be set out first, followed by that of a civil society activist working in the location of the research.

The UNDP embraces the work of civil society organizations and considers them a social safety net in the context of social and economic development (UNDP, 2003: 85-86). The UNDP views the shift from participating in the struggle against apartheid to one of social and economic development as a constructive role. Civil society organizations create new

opportunities for large numbers of people, and whole communities benefit from their services.

The UNDP classifies such civil society organizations in the following manner:

- **Mutual aid or self-help** – members or volunteers of these organizations are the recipients of volunteering themselves. These organizations are predominately burial societies, rotating credit associations such as stokvels, religious groups, health groups, disability support groups, and sports and cultural groups. These organizations build social capital and develop strong community values as well as empower women and children.
- **Philanthropy or service to others** – the primary beneficiaries of the volunteering in this category is a third party. These organizations offer care, shelter, feeding, material assistance, etc., to children, the elderly, the disabled, and the unemployed. This category of organizations develops the economic capacity of communities.
- **Participation** – these are organizations that are involved in the governance process either through representation on government bodies or through representation on other consultation bodies. Such bodies include school governing bodies, parents' associations and ratepayer organizations.
- **Advocacy and campaigning** – this category of organizations is involved in lobbying government for purposes of changing policy and legislation. Among the relatively large number of such organizations, civic and ratepayer bodies feature in most communities across South Africa. The organizations concern themselves with issues of human rights or sectoral policy concerns such as business, labour or the environment. They also include HIV/AIDS groups, prisoners' rights groups, educational groups and so on (UNDP, 2003: 97).

The above description portrays somewhat mutually respecting state-civil society relations in the post-apartheid period. Compare now the following quotation by a community activist on the same issue of state-civil society post-apartheid relations:

“For many of the activists...working in different spaces and having different strategies and tactics, there was a binding thread. There was unmitigated opposition to the economic policies adopted by the ANC...Activists spoke of how the right-wing economic policies lead to widespread and escalating unemployment, with concomitant water and electricity cut-offs, and evictions even from the ‘toilets in the veld’ provided by the government in the place of houses. More importantly, there was general agreement that this was not just a question of short-term pain for long-term gain. The ANC had become a party of neo-liberalism. The strategy to win the ANC to a left project was a dead end. The ANC had to be challenged and a movement built to render its policies unworkable. It seems increasingly unlikely that open confrontation with the repressive power of the post-apartheid state can be avoided.” (Desai, 2002: 147-147).

While the contrasting views of state-civil society post-apartheid relations appear to clash, the articulators of these visions have as their goal empowerment of, and service delivery to, the poor. The institutional settings of the two versions also differ: the one is an international development organization championing the role of civil society, but positioned in sharp contrast to the civic struggles that are challenging local governments.

Theoretically, the South African state civil-society relations contrast variously with international civil-society relations. When civil society is viewed from the perspective of the non-profit sector, Swilling and Russell, borrowing from the work of Salamon and Anheier’s theory, distinguish between four non-profit regimes: the liberal, the social democratic, the corporatist, and statist (Swilling and Russell, 2002, 65-66).

The liberal regime: is characterized by low government spending on social development but supported by a well-developed, privately funded non-profit sector. This regime emerges when there is a rising middle class with a corresponding weak working class. The state uses the non-profit sector to support social development.

The social democratic regime: is characterized by extensive state expenditure on social development and a relatively weak non-profit sector. The state is main provider of services while the non-profit sector remains weak, but nevertheless active and organized. This regime emerges when there is strong working class movement which seeks to foster social development.

The corporatist regime: is characterized by extensive state expenditure on social development. The non-profit sector acts as the conduit for delivering services or in partnership with state agencies. This regime arises when elites in control of the state must accommodate other elites and classes whose power resides in the well organized non-profit structures.

The statist regime: is characterized by low levels of state support for social development and a lack of support for the non-profit sector, even neglecting it. This regime arises when economic or self-serving political elites gain control of the state and face no pressure to support social development or the non-profit sector. The working class movements are generally weak in such regimes (Swilling and Russell, 2002: 66).

It can be seen that, internationally, state and civil society relations consists of the sharing of social development responsibilities but modelled along the lines of the ideological nature of the state. These lessons are significant for South Africa as they inform the choices of state-civil society regimes. Activists and researches therefore have necessary indications to advocate for appropriate relationships promoting social development.

4.2.3 Diverse civil society

It was pointed out above that diversity in civil society must be a serious subject of analysis. The terrain of activism has direct implications for the participatory discourse. In South Africa, civil society engagement includes a wide diversity of concerns: land equity, gender, sexuality, racism, environment, education, formal labour, informal labour, access to infrastructure, housing, eviction, HIV/AIDS treatment, crime and safety, and geo-politics. Individual organizations draw from class-based ideologies, and some describe themselves as anti-liberal, anti-capital, anti-GEAR (Growth, Employment and Redistribution Strategy), anti-globalization, anti-market, pro-poor, pro-human rights, socialist and Trotskyist (Ballard et al in, Padaychee, 2006: 404). This diversity indicates that the activities of civil society organizations are not limited to material improvements of the poor or service delivery issues. Some concerns extend over legal rights and social and environmental justice while others campaign against discrimination and redress issues.

Ballard et al (2006, in Padaychee, 2006: 405) provide a critical reason for the rise of many social movements in South Africa: the growing level of poverty and inequality characterizing society. This phenomenon is not limited to the experience of households, but poverty and inequality has a knock-on effect on the labour market, thereby exacerbating the living conditions in communities. The critical point emerging from this analysis is that local conditions and experiences cannot be treated in isolation from national policy frameworks. Social movements are therefore engaged in demanding greater equality and rights without challenging the formal structure of democratic states or the market economy (Ballard et al, 2006: 4).

Pieterse (in Parnell, 2002: 7) summarizes the relevance of this point for participatory governance. By reducing civil society into two broad groups: the group that saw a useful process to legitimate state actions, and the alternative and more radical group, he was

able to establish that the former group forged compliance with the state, while the latter focused on civil society empowerment and state democratisation as a primary function of participation.

The post-apartheid arrangements also contributed to ironical developments within civil society organizations. On the one hand, Ballard et al (2006, in Padaychee, 2006: 400) show that the post-apartheid state opened up spaces for civil society organizations by officially recognizing civil society through the Non-Profit Act of 1997. On the other hand, Sitas (2002: 2) argues that the withdrawal of state intervention and action (*from certain services*) reduced the capacity of civil society to deal with many social problems faced by communities. What should have been government-led initiative has left communities confused because common problems demand co-operative solutions. Civil society is being left to create its own methodologies of action. However, more critically, the active participation of South Africa in globalized relations has generated the "Castell-sian" effect of marginalizing the poor even more through the withdrawal of interventionist options (Sitas, 2002:3).

Sitas is supported by Kothari (in Wignaraja, 1993: 102) in calling for an examination of the role of the state in civil society. Employing the feminist analysis, Kothari calls for a re-examination of the assumptions about the state and its presumed role as liberator, equalizer, modernizer and mobilizer. The role of the state can be uncovered to reveal several hidden dimensions. In the main, the state may be seen as the principal carrier of modern capitalism (and technology) and the social order (marginalizing a large part of society). In performing its role, there is not only a relationship between the state and people, but a set of independent and co-operative relationships between the military and civil order; between the developmental policies of the state and its transnational sponsors and the economic and social catastrophes affecting the masses; between global information order and the citizen reduced to consumers and social prejudice; and between dominant races and ethnic communities that have control of the state

compared to those at the periphery. The claim is that the role played by the state *vis-à-vis* in the above-mentioned relationships contributed to the divide between those with power and influence and the marginalized masses. Therefore, the hope by the masses for the state to improve their lives will remain unrealized (Kothari in, Wignaraja, 1993: 102-103).

In the South African context, Ballard et al (in Padaychee, 2006: 397) show that social struggles during the ascension to the presidency of Thabo Mbeki took on three related developments. First were those struggles directed against one or other policy of government, for example, the COSATU-led campaign against the Growth Employment and Redistribution (GEAR) strategy. Second were those struggles focused on the government's partial failure in relation to service delivery, for example, the land campaigns of the Landless People's Movement (LPM) and the HIV/AIDS campaign by the Treatment Action Committee (TAC). Lastly, some struggles emerged in response to some of government's repressive activities, for example, the attempts of the poor to resist cuts to electricity and water supplies and evictions by the Soweto Electricity Crisis Committee, the Concerned Citizens Forum and the Anti-Eviction Campaign.

In terms of the preferred model of state-civil society engagement, Desai and Habib (in *SA Sociological Review*, 1994: 49) suggest the corporatist model by examining a case study of the Congress of Trade Unions. Within the corporatist perspective are views of 'co-operative relationships and alliances', 'strategic unionism', 'social contract', and the 'separation of state and civil society'. There is a gamut of arguments for and against any of the options arising from corporatisation. Perhaps the main criticism of such bilateral and tripartite arrangements is that dominant interests appear natural and legitimate given a particular economic framework.

The alternative proposed by Desai and Habib (in *SA Sociological Review*, 1994: 50) is not to foster an abstentionist position which will marginalize civil society altogether, but

rather to engage in a transformatory way in democracy-building. Engagement must lead to empowerment which unleashes further reforms. The authors propose possible forms that this approach can take. These include the development of an alternative set of economic policies, a charter consisting of key transitional demands, and organizational action consisting of a reconstruction agenda.

It is clear that the understanding of civil society is complex; however, a robust civil society is seen as an indicator of a strong democracy. The neo-Gramscian literature of the 1980s perceived the state as hegemonic and coercive, while civil society was perceived as the champion of democracy and as an agent setting limits on state power (Muthien et al, 2000: 3). The strength of civil society is therefore demonstrated by its diversity and representivity, which has the effect of widening access to participation.

The research therefore places the differing visions as a challenge to the participatory discourse. This challenge is perhaps best captured by Habib (2003: 228) who warns that South African civil society is not a homogenous compact, but in fact exists plurally and in tension. It also means that criticisms can be levelled at civil society itself. In the final analysis, the varying views within civil society reflect the class divisions within communities and contestation for resources and so on. The key lesson is to identify the poor from the affluent, the powerful from the marginalized, those with a voice from the voiceless, and those who were beneficiaries compared to victims of apartheid, in order to apply fair and liberating principles in participatory processes.

4.3 PROMOTING A NEW SOCIAL CONTRACT WITH CIVIL SOCIETY

Using the theories of state-civil society regimes outlined earlier (Swilling and Russell, 2002: 66), the South African experience can be differentiated in terms of two broad frameworks. The first can be characterized as the liberal perspective (Johnson, 2002:

37). This perspective views civil society formations and activities as a response to a 'statist' notion of politics and to the top-down approach to development. Civil society represents one method of deepening democratic participation in political, economic and social life both through and outside the formal political process. It has also become known to supplement the popular representative democratic practice by being included in consultations, operations, decision-making, implementation, and evaluation of traditional government functions.

The second approach is called the popular school (Johnson, 2002: 37). This model explains popular organizations and movements that emerged during the struggle for democracy. This model also seeks to understand how the civil society has come to be recast in the relations with the state after the apartheid struggle. The model is important for attempting to re-conceptualize state-civil society relations in the effort to deepen democracy.

The above theoretical framework acts as a backdrop for understanding state-civil society relations and allows for examining different participation models. The models are set out below.

4.3.1 Models of participation

The analysis of models of participation below allows activists and researchers to navigate towards an appropriate model given differing governance approaches and local contexts. The established models of participation are discussed below to provide the complete picture of existing participation trends.

4.3.1.1 IDASA Models

In the effort towards a new social contract between state and civil society, IDASA has developed participatory models for the South African context (Parliamentary Support Programme, 2001: 43-46) (the models have been adapted for the local government sphere):

Model one: 'Pure' representative democracy

According to this model, the public elects its representatives, who decide on local government matters and oversee their implementation. The participation of the citizen is limited essentially to election time.

Model two: 'Basic' model of public participation

In terms of model two, the public intervenes by interacting with its elected representatives at various times between elections.

Model three: 'Realism' model of public participation

The 'realism' model appears to be the most favoured form of public participation. The model is based on corporatist political interaction, where consensus is reached at a 'round table' consisting of the primary interest groups. NEDLAC, established by the South African government as a forum for organized labour, employers and government, is a typical example of such a model.

When applied to the local government, the key public actors would consist of the broader general public, represented by their elected representatives on the one hand,

and the various key interest groups or stakeholders on the other. The public participation process arbitrates an exchange between the two.

Model four: 'Possible ideal' model for South Africa

This model proposes party structures to ensure that local views and grievances filter up through the system, as well as providing channels for the distribution of information on the ground. The party structure is seen as providing a valuable network, linking individual constituents and communities with their elected representatives.

The IDASA proposals provide the basic approaches to participation and engagement of people on the ground. The different models appear to operate currently in local communities either on their own or in different combinations, depending on circumstances and power relations. However, there are other models, and one such model based on the associational democratic approach is discussed below.

Baccaro (2002: 2) proposes that associational democracy proceeds in three steps. The first step advocates devolution of public policy to local associations consisting of groups of civil society organizations; the second step encourages the constitution of deliberative fora composed of the local associations; and the third step proposes a redefinition of the role of the state.

In the above model, the state is expected to encourage local groupings to come together and deliberate about their common problems, experiment with different solutions, and systematically compare their provisional solutions with those of others. The role of the state in the process includes the following:

- defining general objectives of policy making;
- setting minimum criteria for performance;
- using its funds and organizational capacities to support the deliberative process;

- supporting locally derived solutions;
- circulating information on best practices;
- assisting with implementation of innovations; and
- moderating where results have not been satisfactory (Baccaro, 2002: 2).

4.3.1.2 Participation methods according to the International Association for Public Participation (IAP2)

The International Association for Public Participation (IAP2: 2000) has formulated a framework outlining a spectrum of public participation, the levels of impact on the public, and the tools necessary for such effects. It will be noted from this framework that the participation process involves anything from simply providing information to complex forms of control in decision-making resulting in the empowerment of society. From this framework, it becomes clear that the concept of participation is broad and depends largely on what one interprets it to be and on the outcomes desired. It would therefore be appropriate to state that the level of participation will determine the goals that need to be achieved.

Figure 4.1 Spectrum of participation and levels of impact

| Increasing levels of public impact through participation | | | | |
|--|---|--|--|---|
| INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
| Public participation goal | Public participation goal | Public participation goal | Public participation goal | Public participation goal |
| To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions. | To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered. | To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution. | To place final decision-making in the hands of the public. |
| Promise to the public | Promise to the public | Promise to the public | Promise to the public | Promise to the public |
| We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |
| Example tools: Fact sheets Web Sites Open houses | Example tools: Public comment Focus groups Surveys Public meetings | Example tools: Workshops Deliberate polling | Example tools: Citizen advisory committees Consensus building Participatory decision-making | Example tools: Citizen juries Ballots Delegated decisions |

(Source: IAP2. 2000)

The IAP2 has contributed to the practice of participation by offering seven ‘core values’ that practitioners should apply towards more effective processes. These include:

- **Participation is about having a say at local government level** – includes voting for a local government candidate and taking part in municipal events.
- **Participation must include the promise that the public's contribution will influence the decision** – if influence is nil, this can lead to frustration, protests, and violence.
- **Participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers** – communication cannot be top-down.
- **Participation must seek out and facilitate the involvement of those potentially affected or interested in a decision** – a culture of participation needs to be developed and maintained.
- **Participation seeks input from participants in designing how they participate** – people will participate if they interpret the processes as beneficial to them.
- **Participation provides participants with information they need to participate in a meaningful way** – authentic information informs decisions.
- **Participation communicates to participants how their input affected the decision** - participants must be shown to be valued in participation processes (Theron et al, 2007: 7-8).

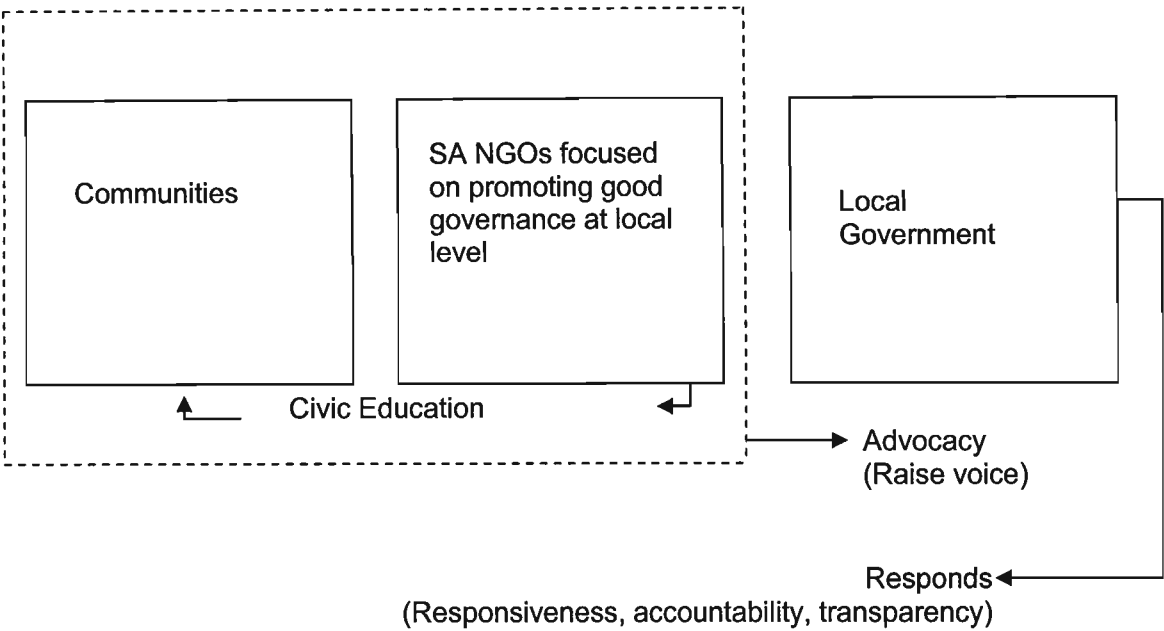
The IAP2 participation spectrum represented in Figure 4.1 above and the IAP2 core values for participation contain both strengths and limitations. However, the problem is that both the participation spectrum and the core values rest on assumptions about society's socio-economic and political conditions allowing for effective participation. Therefore, the central issue remains the appropriateness of a model within context-specific rationales.

4.3.1.3 Participation methods according to the Good Governance Learning Network (GGLN)

According to Davids (2005: 26), a number of South African NGOs have assumed a linking-pin function between local communities and the local government by building the capacity of stakeholders to participate in local government processes. On the one hand, these NGOs educate citizens about their roles in local governance in general, and participation in local government in particular. On the other hand, together with local communities, they perform an advocacy function *vis-à-vis* local government to exact responsive, transparent and accountable governance – i.e. ‘good governance’ (See Figure 6.2 below).

An example of NGOs involved in such linking-pin activities is the South African-based Good Governance Learning Network (GGLN) – a loose network of South African NGOs that focuses on good local governance. The GGLN membership includes the Foundation for Contemporary Research (FRC); the Built Environment Support Group (BSEG); the Centre for Public Participation (CCP); the Democracy Development Programme (DDP); the Electoral Institute of Southern Africa (EISA); Afesis-Corplan; the Project for Conflict Resolution and Development (PCRD); the Institute for Democracy in South Africa (IDASA); and the Centre for Policy Studies (CPS).

Figure 4.2 Role of NGOs in promoting good local governance

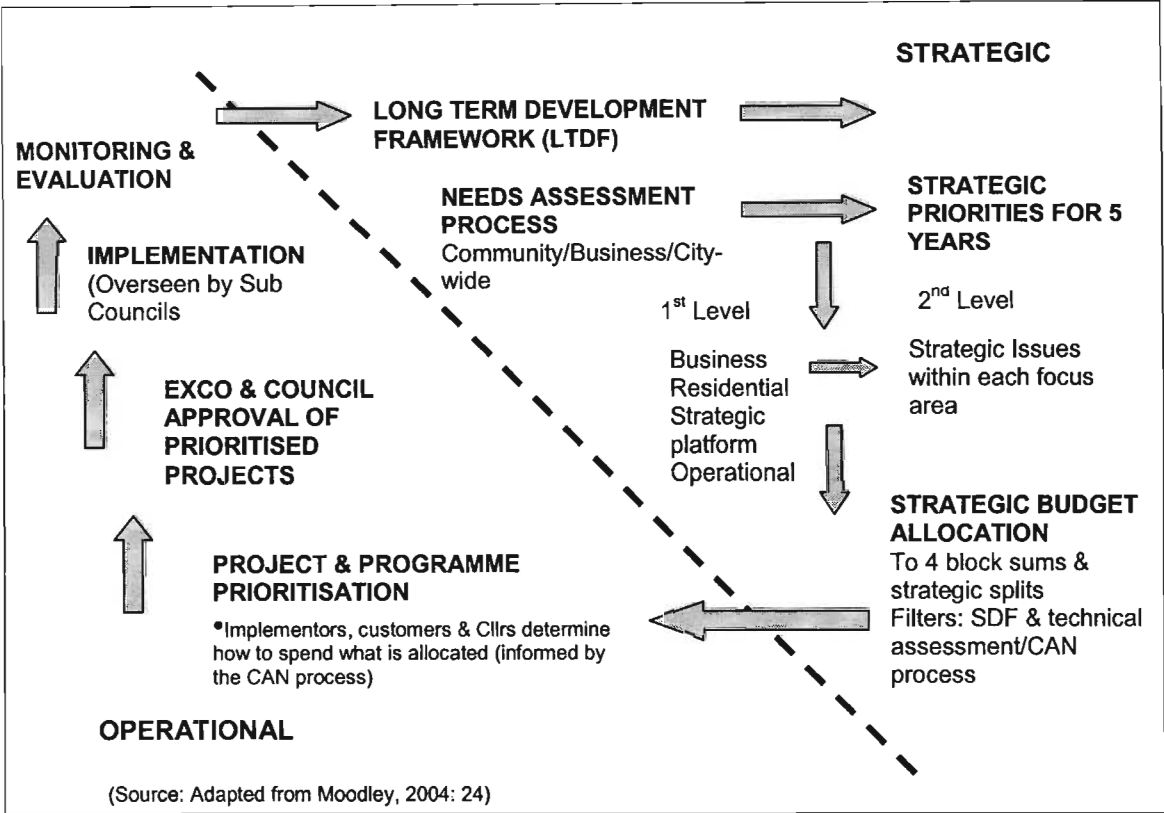


(Source: adapted from Davids, 2005: 26)

4.3.1.4 Participation methods according to the eThekweni Municipality

The significant feature of the eThekweni municipality’s approach was the design of a single, cyclical, and holistic process that moved from strategic and visionary statements of intent through to a process that combined planning for development, through to implementation and evaluation (Moodley, 2004: 24). Unlike the traditional methodology, the model separated the strategic from the operational planning processes (See figure 4.3 below).

Figure 4.3 The eThekweni strategic planning model



A conventional planning process would involve a process of analysis, strategy development, project packaging, integration and approval. The approach devised by the planning team was one grounded in a more “holistic development” model. Building on the Long Term Development Framework as the strategic framework, the new methodology involved the following key steps (Moodley, 2004: 25-27):

Assessment of citizens’ needs

The rigorous community needs assessment workshopping process run throughout the municipality was the first step in the new strategic planning model. In addition to 100 ward needs assessment workshops, separate workshops were conducted with small, emerging, and organised business throughout the municipality during 2001.

Workshops for other stakeholders were also conducted. The focus of these workshops was to ascertain real needs, rather than projects. These needs were to inform a strategic process that determined the way the municipal budget would be allocated. The needs assessment process reflected a home-grown methodology and spirit of doing things in a way that reflected eThekweni's local culture and identity. For example, each local workshop and sector workshop began with a prayer, served traditional meals for all participants, and was deliberately structured in a way that ensured that all participants were comfortable and able to express their views.

Strategic prioritization

The new methodology made strategic choices about the best way to allocate scarce resources. The needs assessments and the Long Term Development Framework (LTDF) led to the prioritising of four key strategic areas:

- residential community support;
- business community support;
- strategic/platform infrastructure; and
- operations support.

Budget allocations were then proposed for these strategic areas (called block sums). Within these four strategic areas, other sub-priorities were also identified (e.g. for the residential community support block sum, the sub-priorities of housing, social infrastructure and physical infrastructure were identified).

Strategic budget allocation

A key feature of the strategic planning methodology in eThekweni was the process of allocating block sums of money to the four key strategic priorities listed above and then dividing up the block sum allocation to cover the different sub-priorities.

The process of strategic budgeting involved making hard choices about resource allocations for priority-based projects. The needs list obtained through the assessment process was tested against a strategic technical process that involved interrogating the data that emerged, comparing them with existing information, and then developing proposed technical interventions.

A key strategic filter was the Spatial Development Framework (SDF) (a spatial plan that helped provide guidance on what strategic infrastructure was needed and where this should happen across the municipal area) and the community needs assessment (CNA) (See figure 4.1 above). This process represented a radical shift from the traditional way that the City Treasurer's Department had conducted its budgeting process. Previously resources were allocated to departments that determined the priorities.

The approach was radical, as the budgetary allocation process was now opened up to civil society which was exclusively the domain of the council (and officials). The block sums and splits were not to be finalized by EXCO (top decision-making body of the municipal council) and the SMT (Strategic Management Team – the municipality's administrative leadership); instead, the next step was to meet with the organs of civil society for an open debate about the allocations. This strategic budgeting exercise, branded as the "Big Mama 2" Budget Workshop, was held on 4 May 2002. The participants who had met earlier and endorsed the transformation process (Big Mama Workshop, November 2001), were once again coming together to participate in the council's strategic budgeting process.

During this historic workshop, changes were made to the proposed budget allocation. For example, the actual budget allocation proposed by EXCO and the SMT in the residential community support block sum was increased as a result of intense civil society lobbying and debate. This second Big Mama workshop was a demonstration that this was no token participation of communities: citizens had a real say in the way their council's budget would be allocated (Moodley, 2004: 27).

Project and programme prioritization

The fourth step marked the beginning of an operational level process which required the actions and efforts of a range of stakeholders. At the community level, by using the needs assessment data collected previously, community organizations and officials prioritized projects and programmes to maximize the impact of the limited available funds. This stage marked a highly interactive process among the citizens, elected politicians and the administration who collaboratively determined the nature of local projects.

Approval by EXCO and Council

The fifth step involved the submission of the programmes and priorities for approval by EXCO and Council.

Implementation

Implementation of the programmes then took place at the local level involving all stakeholders and co-ordinated by officials. The implementation process involved using the facilities and resources of the municipal council and other service producers. (An

example is the iTrump Project in the Warwick Triangle area of the inner city. See Moodley, 2004: 81)

Monitoring and evaluation

The last step in the cycle was the recognition that central to the municipality's new way of doing business would be ensuring that its interventions were relevant and enabled residents to improve the quality of their lives. It therefore put in place a simple, workable and sustainable monitoring and evaluation system that allowed the municipality to measure its successes and take corrective actions where necessary (Moodley, 2004: 27).

4.3.1.5 Participation methods according to the South African Department of Environmental Affairs and Tourism

The model of participation by the South African Department of Environmental Affairs and Tourism is presented in table form below.

Figure 4.4 Participation methods according to the South African Department of Environmental Affairs and Tourism

| Participation strategies aimed at 'Informing' the public | Participation strategies aimed at 'Consulting' the public | Participation aimed at 'Empowering' the public |
|--|--|---|
| Advertisements: paid advertisements in newspapers to inform the public of a proposal or activity and the opportunity for participation. | Briefings: municipal officials attend meetings of social/civic clubs and organizations to inform, educate and consult stakeholders. | Advisory committees and panels: a group of stakeholders meets to advise the decision-makers and debate specific issues. Often composed of community leaders, NGOs, CBOs and professional experts or consultants. |
| Background information material: fact sheets, | Central information contact: designated | Citizen juries: a small group of public |

| | | |
|---|--|--|
| newspapers, brochures, or flyers distributed with municipal accounts, through mail drops, direct mail or left at accessible locations in order to provide feedback and updates on progress. | contact persons are identified as official liaisons/spokespersons for the public and media. This person can be an appointed community liaison officer or the municipal IDP Manager. | representatives or stakeholders who are brought together to learn and exchange information regarding an issue, cross-examine witnesses or experts and make recommendations. |
| Exhibits and displays: public meetings where municipal official//consultants provide information and the public and other stakeholders are given an opportunity to pose questions. | Electronic democracy: this strategy refers to internet 'discussion rooms', tele-voting and on-line communication. Records must be kept and feedback given to the public. | Imbizo: interactive governance aimed at partnership between government and other stakeholders. |
| Field trips: site tours to inform the public, the media and other stakeholders of a specific issue or project. | Field offices or information centres: specific offices or multi-purpose centres which disseminate information and respond to enquiries. | Indaba: forum for open and frequent dialogue between stakeholders to identify and address issues of common concern. |
| Legal notices: informing the public of a proposal or activity that is required by law to be displayed at particular locations for a specified period. | Interviews: one-on-one meeting with the public, or a selected sample or specific stakeholders, based on semi-structured interviews and open-ended questions. Data are analysed and feedback is given to the community to elicit further inputs. | Participatory rural appraisal/participatory learning and action: appropriate people- and issue-centred research methodology through which the concerned people conduct their own research in partnership with the researcher or official. |
| Magazines, news articles and press releases: stories or articles which provide information about a proposal or activity. | Open days and open houses: stakeholders are given the opportunity to tour the site or project and/or information is set up at a public location to make information accessible to stakeholders. | Task force: a group of specific stakeholders or professionals that is formed to develop and implement a specific project or proposal. |
| Press conference: question- | Public meeting: formal | Workshops, focus groups |

| | | |
|--|---|--|
| and-answer sessions for the media and public to obtain and share information about a project, proposal or planned future activity. | meetings where municipal officials/ consultants meet the public and other stakeholders in a public place, e.g. a community hall. This method entails an open discussion and question-and-answer session. | and key stakeholder meetings: small group meetings with stakeholders in an interactive forum to share and provide information based on mutual learning about a particular topic/issue. These meetings may be preceded by presentations by the different stakeholders. |
| Radio and television talk shows: presenter of a programme aims to elicit information about a project or proposal on behalf of the public through questions posed to municipal official. | Public hearings: similar to public meetings, but more formal and structured. | |
| Technical reports: special studies, reports or findings made accessible to the public at libraries, or electronically. | Surveys and polls: strategy through which specific information from a sample of the public or specific stakeholders are gathered and scientifically analysed and presented. Can also be done by phone. | |
| Websites: internet websites which contain information, announcements and documents on specific issue or project. | Telephone hotlines: telephone numbers of officials supplied to the public in printed format by hand or mail. These hotlines should be staffed by professional officials who know the municipal context, programmes and projects. Calls must be recorded and feedback given to callers. | |

Source: Adapted from RSA, Department of Environmental Affairs and Tourism, 2004: 24)

The figure developed by the Department of Environmental Affairs and Tourism may be read in conjunction with 'Deliberations about deliberations: Issues in the design and evaluation of public consultation processes, A review of public participation and consultation methods', developed by the researchers at the McMaster University Centre for Health Economics and Policy Analysis (Abelson et al, 2001) which describes the strengths and weaknesses of each participation method, as well detailed recommendations for their use.

Figure 4.4 above might readily give the impression that the participation methods are *sine qua non* in development and poverty eradication. The research has however repeatedly shown that mobilizing people at the grass-roots is not an easy task. For instance, one key problem that is not attributed to any of the participation methods is communication. White (1994: 16) in this instance symbolically labels participation as 'kaleidoscopic'; it changes its colour and shape at the will of the hands in which it is held; it can also be very fragile and elusive. Participation can therefore be viewed contrastingly in terms of the view of the 'eye of the beholder', and in terms of how it is shaped by the 'hand of the power-holder' (White et al, 1994: 16).

Communicating at the grass-roots can be complex and usually taken for granted by planners and implementing officials. When the participation rhetoric is delivered to community members who are poor, illiterate and second language speakers, caveats about power and assumptions about understanding need to be considered and managed honestly. Nair and White refer to these caveats as participatory communication and emphasize the role of the development communicator who would be a trained professional linking the bureaucrats, experts and scientists to the grass-roots receiver (in White, 1994: 352). Such a role is critical and includes a commitment to the common goals of development and participation.

4.4 CRITICAL CIVIL SOCIETY ISSUES

This sub-section discusses three critical categories of issues which relate to any model of participation, namely, who participates; building social capital; and further questions on participation.

4.4.1 Who participates?

Arising from various Models and within the limits of state intervention shown above, the politics of representation are examined further below.

The question of who participates and the principles and processes associated with participation present one of the greatest challenges, especially for development practitioners. The literature appears to make assumptions at best, or to ignore at worst, the question of who really represents the interests of communities. As pointed out above, civil society organizations and communities are not discrete homogenous groupings.

Also, the notion that the leadership of these civil society or community organizations (for example, religious, sporting, etc.) speaks on behalf of organized groups has been proved inadequate (Moodley, in Baccus and Hicks, 2007: 7). The trend of participation of local leadership exclusively has been replaced in the late 1990s by development forums created by the new local government arrangements.

The Development Facilitation Act 67 of 1995 promoted a developmental approach to public participation at local government level and focused primarily on people-centred development. The Act focused on community participation and more especially the establishment of community or civil society structures (RSA, 1995: 1-3). The objective

was to facilitate a transparent developmental process that benefited both participants and local government.

Within this context, Liebenberg and Theron (1997:124) substantiate the relevance of the developmental approach as follows:

“Development should be seen as a process of empowerment which enables participants to assume greater control over their lives as individuals and as members of society. It aims to increase the personal and institutional capacities of communities in order to mobilize and manage resources towards meeting basic needs. This is done in order to produce sustainable and justly distributed improvements in the quality of life consistent with a community’s aspirations” (Liebenberg & Theron, 1997:124).

It is evident from the above quotation that three important and inter-related components of the developmental approach are capacity building, empowerment, and sustainability. Following from these early provisions for participation, the formalization of ward committees as a model in the 2000s was intended to consolidate the participatory institutions and instruments.

The research takes the view that participation processes will grow in South Africa given the following factors:

- increasing the capacity of civil society organizations;
- when the space for participation becomes clearer for civil society;
- encouragement by government and global events; and
- through the increasing experience of activities, campaigns, programmes and issues taken up by civil society.

And, given the following strengths of civil society, participatory processes will be enhanced:

- **History of struggle** - Civil society organizations come from a long history of struggle and have developed innovative approaches of engagement under deeply repressive conditions, making it possible to adapt to new conditions.
- **Values base** – Civil society organizations have evolved from a strong values base that earned them credibility and legitimacy in the eyes of the community, government and donor community.
- **Professional and consultant culture** - Civil society organizations have been building capacity and empowering themselves as well their beneficiaries.
- **Flexibility** - Civil society organizations are sharing by nature, flexible, accumulate new knowledge rapidly, and are able to respond rapidly through established networks.
- **Cross-cutting approach** - Civil society is able to address cross-cutting issues from labour issues to HIV/AIDS to lack of infrastructure and the like.

On the reverse side, the research is also conscious that civil society organizations face particular problems. Kraak (in Everatt and Gwagwa: 2005: 19), for example, point to the following leadership and capacity problems:

- a lack of creative, dynamic and visionary leaders;
- a failure to reproduce quality leadership;
- for many, working in the civil society sector is a career-based stepping-stone rather than a 'calling';
- generally low levels of commitment , especially in delivery-oriented organizations as opposed to politically-oriented organizations;
- prevalence of a victim mentality;
- unresolved tensions over race and gender;
- lack of monitoring, evaluation and reporting systems to check progress, identify problems and react accordingly; and

- poor fund-raising skills, strategies and drives (Kraak, in Everatt and Gwagwa: 2005: 19).

Khosa (in Calland and Graham, 2005: 129) cautions that, as delivery occurs in local areas, it is important to examine differential levels of participation between men and women and between the rich and the poor. Khosa insists that participation in local government processes differs according to gender, and that evidence suggests that women are generally slightly less inclined to participate or interact at the local level than men.

On the other hand, Swilling and Russell (in Everatt and Gwagwa: 2005: 19) argue that, since some sections of civil society are dominated by women and black people, this makes for a significant development with regard to leadership development in the future. Given the trend that black people and women are rising through the public and private sector bureaucracies, more should be targeted for leadership development and managerial training.

In the final analysis, who participates will depend very much upon the capacity of local governments to draw civil society organizations into their participatory process; build social capital; promote social dialogue; and establish appropriate institutions as the vehicle for participatory processes.

4.4.2 Building social capital

The building of social capital is examined from two fronts, firstly, from the point of view of the functioning of local areas or cities; and, secondly, from the point of view of civil society relations correlating with ideal local areas through effective governance and economic growth.

The World Development Report, 1999/2000 (World Bank, 2000: 112) set the agenda for local governments to be responsible for local economic development, infrastructure development, and control over land use. The Bank referred to this process as localization. By localization was meant participation and involvement and giving people a greater ability to take charge of their lives. It was believed that localization would result in more responsive and efficient governance and development.

In keeping with this trend, Clark and Gaile (1998: 24-31) proposed six challenges facing the new global city in its operation:

- **Value-added production** - In the past, the value of production was based on locations where costs were low. This has now changed to human capital investments to enhance the value-added aspect. The coming of knowledge-based industries and the importance of information technology made it necessary to build on human capital. This has therefore necessitated the Post-Fordist method of production which calls for flexible processes in production, labour relations and working conditions.
- **Shift from national to local or sub-national government** – This involves devolving the political and economic decision-making process to sub-national levels of government. This means that decisions affecting local development must be designated to, and carried out, by local areas.
- **Entrepreneurial economics** - Local areas were taking more entrepreneurial economic roles and broader political responsibilities. Cities now had the responsibility for economic growth rather than simply focusing on their traditional role of delivering services and acting as a regulator.
- **Context specific policies** - Planning and programmes must be locally driven. While policy may be nationally co-ordinated, the responsibility rests with local areas to plan, implement and monitor economic development.

- **Linking local policy initiatives with the global web** - Local areas have to invest in human capital initiatives and link local economies to global markets through trade and information technology strategies.
- **Re-inventing local citizenship** - It was recognised that globalization would further the gap between the wealthy and the poor. It was also recognized that reducing economic inequality is more difficult than racial and gender discrimination. Local areas must therefore focus on skills development, job creation, and the enhancement of social capital (Clark and Gaile, 1998: 24-31).

In a publication *Cities in Transition*, the World Bank (2000: 31) viewed cities and towns as the frontline for development. Cities were also gaining more influence as a result of decentralization and more power sharing. Essentially, local government remained the everyday face of the public sector: the level of government where essential public services were delivered to households and businesses, and where policy meets the people (The World Bank, 2000: 43). With this new meaning given to cities comes the idea that cities must be sustainable, which can be achieved in the following ways:

- **Livability** - The poor must be allowed to share public resources. A decent quality of life must therefore be provided for through education, employment, and safety nets. The informal sector must also be assisted.
- **Competitiveness** - Livable cities must create opportunities for growth in employment, incomes and investment. The city must foster productive and competitive businesses of all sizes.
- **Good governance and management** - Livability and competitiveness can be achieved through good governance and management. Good governance means inclusiveness, accountability, integrity and transparency.
- **Bankability** – This implies financial soundness in the treatment of revenues and expenditures in order to gain credit worthiness to permit access to the market (The World Bank, 2000: 8-12).

Given that the local government sphere is considered to be the nexus for growth and development, the World Bank proposes that the next logical step to be taken is to level the economic and political playing field (The World Bank, 2006: 3). Three interventions are posed as critical:

- reducing inequalities in education, health status and incomes;
- equality of opportunity through the distribution of assets, economic opportunities and political voice; and
- short-run policy-level tradeoffs between equity and efficiency (for example, by promoting citizenship and trust, better institutions and reduced conflict).

From the foregoing, it is clear that the World Bank approach dominates the analysis of the functioning of local governments. Local governments have been allocated the economic and political development of whole countries. In adopting such a strategy, the development of social capital therefore poses one of the main challenges, firstly as community, and secondly as civil society organizations. The development of the latter is now discussed below.

The World Bank's programme called the *Social Capital Initiative* understands social capital in the following manner:

"The social capital of a society includes the institutions, the relationships, the attitudes and values that govern interactions among people and contribute to economic and social development. Social capital, however, is not simply the sum of the institutions which underpin society, it is also the glue that holds them together. It includes the shared values and rules for social conduct expressed in personal relationships, trust, and a common sense of "civic" responsibility that makes society more than a collection of individuals. Without a degree of common identification with forms of governance,

cultural norms, and social rules, it is difficult to imagine a functioning society” (The World Bank, 1998: 1).

Social capital has come to be known as that essential ingredient in the promotion of good governance (Sponk, 2001: 2). The model of the developmental state includes the thinking that the state must play an active role in the formation and development of civil society. The kernel of this model is the link between social organization and economic growth for which Putnam’s 1995 work *Bowling alone: America’s declining social capital* is credited.

Putnam argues that a period of perceived economic decline in America was due to a lack of ‘civic engagement’ and ‘social trust’ (Sponk, 2001: 2). Putnam’s idea is that certain non-economic factors are essential for development. This ‘civic capital’ or ‘social capital’ is correlated with strong institutions, effective government, and economic growth. Social capital refers to features of social organization such as the norms and networks that improve the efficiency of society (Putnam, 1993: 167). “Whereas physical capital refers to physical objects and human capital refers to properties of individuals, social capital refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that rise from them. In that sense social is closely related to what some have called ‘civic virtue’. The difference is that ‘social capital’ calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations. A society of many virtuous but isolated individuals is not necessarily rich in social capital” (Putnam, 2000: 19).

The social capital discourse has many critics, and the critics also criticize the World Bank for adopting its thesis. There are three main reasons for rejecting it: firstly the idea that social capital can replace the developmental state; secondly, that social capital employs reductionism to replace economic categories with non-economic ones; thirdly, Prakash and Selle (2004: 27-29) point out that there is an impossible transition across scale

where social capital interactions occurring among individuals of society cannot explain phenomena at larger scales involving civil society networks. Fine (in Moore, 2007: 121) calls this development an intellectual and ideological upheaval where the World Bank has adopted yet another ultimate solution for developing countries.

4.4.3 Questions on participation

The research thus far has raised several criticisms and short-comings in participation methodologies and it may be appropriate to pause to reflect on some issues. It is expected that the conclusions of the study will also shore-up additional issues. However, the preceding chapters have opened up critical theoretical and practical themes which are captured by Davids (2005: 118-119) in the following questions on participation:

- Why should the poor be expected to give freely of their time for participatory initiatives, while consultants are paid to do so?
- Who has the right to act as the 'voice of the excluded'?
- How does one manage 'community participation'?
- Participation towards what end? To address whose agenda?
- Can community participation change municipal spending and revenue generation?
- How accurately does the outcome of a municipal election reflect the voices of the people, if voters are not free to exercise their right to attend political rallies and are afraid, sometimes for good reason, to go to the polls?
- How can we ensure that participatory processes ultimately have a redistributive effect and do not put more power into the hands of already empowered groups in the community, thus increasing disparities in the community?
- How can we ensure that participatory processes promote social solidarity amongst the poor, the non-poor and the different racial and cultural groups, and not deepen existing divides?

- To what extent has the expansion of participation by invitation worked to undermine the place of protest, and is participation by invitation in the interest of marginalized groups or the articulate and organized middle class?
- If the door to structured participation is always open, what happens to those who choose not to go in – do they get discredited as ‘trouble-makers’, ultra leftists and ‘enemies of democracy’? (Davids, 2005: 118-119).

These and other concerns raised by the research must form the analytical basis of existing and other attempts to develop and operationalize participative models at the local sphere of government.

4.5 CONCLUSION

The chapter examined the role of civil society within the global context and followed up with an analysis of the South African context. The key observation was that civil society cannot be thought of as a homogenous group or in universal terms. Civil society is complex and diverse, and there exist contradictions within it. These observations are critical for application with the participatory processes.

The chapter then proceeded to discuss models of participation at the local level under the heading ‘Promoting a new social contract’. The IDASA model (2001) was briefly examined to demonstrate some of the inadequacies and pitfalls of imposing a singular model for participation. This was followed by models developed by the International Association for Public Participation (2000), and by two South African-derived models by Davids (2005) and Moodley (2004) in the Cape and KwaZulu-Natal provinces respectively. The focus on models shows once again the need for locally negotiated models suited to local contexts.

The chapter referred to the concept of *social capital* from the World Bank perspective. (Social capital is further developed in Chapter 7 below.) The key lesson is that the participative process is not limited to organizations or social formations, but includes the relationships, values and attitudes that govern interactions among people and which contribute to economic and social development (World Bank, 1998: 1).

The chapter concluded with a set of questions on participation captured by Davids (2005: 118-119) which seek to clarify aims, roles, processes, inclusiveness, power relations, barriers and so on. Answers to some questions can be provided theoretically, while other questions do not make themselves available to either theoretical or experiential answers. This dilemma forms an important feature in the review of the participatory discourse beyond this research.

CHAPTER 5

NEW SPACES FOR LOCAL GOVERNMENT PARTICIPATION

5.1 INTRODUCTION

The chapter proposes that new spaces for participation can be identified from the literature and international experience. These spaces include: the international agreements which were reached through popular pressure and participation of civil society actors; the eradication of poverty programmes with the active participation of the poor themselves; the academic and professional spheres of public administration which provide critical lessons for South Africa; and administrative law through judicial review where citizens and interests groups may participate in influencing decisions or asserting rights, thereby obtaining redress.

The chapter discusses participation in the spaces identified above, and establishes that participation is confronted by several theoretical challenges, as well as context-specific application issues. The chapter makes the point that these challenges also relate to the South African context.

However, despite the challenges, the chapter shows that new spaces for participation have been recognized in South Africa. These challenges and questions require in-depth examination and further research.

5.2 NEW SPACES FOR PARTICIPATION

In reviewing the literature and after categorizing different types of participation as shown in Chapter 2, the research has identified the following new spaces for

participation: namely, international agreements; poverty (reduction); public administration; administrative law and judicial review. (The term *new* indicates an otherwise unapplied approach in the South African context.) Each of the new spaces is discussed below.

5.2.1 International agreements as space for participation

International and regional agreements spurred by popular pressure have also opened up spaces in governmental decision-making processes. Environmental activists in particular have played a major role in creating awareness that people must have a say in decisions that affect their lives and well-being.

From the 1960s and 1970s, Greenpeace and others brought issues into the public domain. They aggressively challenged the right of governments and corporations to pursue interests that impoverished, degraded or damaged the environment (Parliamentary Support Programme, 2001: 59). The struggle for the environment was then taken up by communities and public interest bodies.

More radical versions of participation have been referred to differently, including activist anthology, grassroots history; agitational collage, and direct action (*Notes from Nowhere*, 2003: 14). The common thread appears to be the idea of a global anti-capitalistic movement. Bond refers to this movement as a global justice movement fighting for progress and peace (Bond, 2004: 233). In the South African context, the World Summit for Sustainable Development in 2002 seem to have provided the impetus and platform for eco-social issues in South Africa.

Particular ground-breaking examples of international agreements included the 1992 Earth Summit in Rio which adopted Principle 10 of the Rio Declaration which recognized the critical role that civil society play in protecting and managing the environment

(Parliamentary Support Programme, 2001: 59). Principle 10 basically opened the way for public access to information, participation and decision-making processes, as well as judicial procedures.

This historic agreement was followed in 1998 by the United Nations Economic Commission for Europe's adopting the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Parliamentary Support Programme, 2001: 60). This Convention set the minimum legal and institutional requirements for access to information, participation in decision-making processes and judicial and administrative procedures for redress on all matters of the environment.

The literature shows that there has been phenomenal growth in civil society organizations internationally. These organizations have organized themselves into sectoral and interests groups including agriculture, environment, development, health, human rights, peace, youth, women, and so on. Organizationally, these groups came together in an unprecedented arrangement known as the World Social Forum which gathered simultaneously with the World Trade Organisation in different parts of the world. Clearly, there appears to be vast potential for the global civil society movement to influence participatory spaces into the future.

5.2.2 Poverty as space for participation

The late 1990s was a critical phase in thinking and policy approaches in the fight against poverty. The international development agencies took the lead to dispel many of their own assumptions about sustainable development and the economic instruments used to measure growth. These developments brought to the forefront the role of participation in development.

The World Bank is among the main supporters and financiers of development. It has surprisingly admitted that, despite huge sums of money being directed to developing countries, poverty and inequality are increasing. The World Development Report 1999/2000 (World Bank, 2000: 14-21) makes some startling admissions, among them that development has multiple goals and processes and goes beyond economics to address societal issues in a holistic fashion. Given a stable macro-economy, the Bank now includes the following elements for successful development:

- the emphasis on beneficiary participation;
- responsiveness to gender concerns;
- government ownership of projects;
- the role of social capital; and
- networks of trust and association (World Bank, 2000: 15).

The focus on gender is particularly important. The thinking now is that improvements in gender equality reinforce other elements of the development agenda. Women who have low levels of education and training, poor health and nutritional status, and limited access to resources have the effect of reducing the quality of life of the entire population. Discrimination against women then impairs other elements of sustainable development (World Bank, 2000: 16).

In a new approach by the World Bank and the International Monetary Fund (IMF), civil society is being offered a part in shaping and implementing national anti-poverty strategies (IDS, 2001: 1). In order to access debt relief, countries are being asked to produce a Poverty Reduction Strategy Paper drawing on inputs from all sections of society.

PRSPs were viewed by the IMF and the World Bank as a new framework for poverty reduction involving the development of nationally-owned and participatory poverty

reduction strategies. The PRSPs were intended as the main vehicle to implement the Comprehensive Development Framework – the focus of the World Bank’s attempts to tackle poverty and inequality, and achieve the Millennium Development Goals (Brown, 2003: 1).

The Poverty Reduction Strategy Paper (PRSP) is an anti-poverty framework announced late in 1999 by the World Bank and International Monetary Fund (IMF) and in effect, replaces the previous structural adjustment programmes. PRSPs are intended to ensure that debt relief provided under the enhanced Highly Indebted Poor Countries (HIPC) Initiative and concessional loans from the international financial institutions help to reduce poverty in the poorest, most indebted Southern countries (Brown, 2003: 1).

The focus of PRSPs, according to the World Bank, is on identifying in a participatory manner the poverty reduction outcomes a country wishes to achieve and the key public actions - policy changes, institutional reforms, programs, and projects - which are needed to achieve the desired outcomes (Brown, 2003: 1).

In some respects, the PRSPs are a triumph for the non-governmental organisations (NGOs) around the world that have campaigned for debt relief. But they also raise questions and concerns, including:

- Will the PRSPs be seen by poor countries as yet another restructuring exercise from a foreign source – just another form of aid conditionality that must be accommodated?
- While the participatory approach is encouraged, how does this process work in practice on the ground? Clearly, if the PRSP approach is to succeed in its ambitious objectives, building effective participation into the process will be essential.
- Will countries place emphasis on the Paper, rather than on the actual strategies to be employed? (Brown, 2003: 1).

In an effort to promote citizens' participation in line with the PRSP approach, the Bank has developed a citizens' participation course manual for roll-out in member countries (World Bank, 2005).

In an address to the Annual World Bank Conference on Development Economics, 1998, the President of the Bank commented on being struck by Ravi Kanbur's understanding of the role of policy reform in addressing poverty and inequality (Pleskovic and Stiglitz, 1999: 1-2; see Grusky and Kanbur, 2006: 2). While recognizing the importance of sound monetary and fiscal policy for an open market, as were many of the tools and visions of the economics encapsulated by the Washington Consensus, the President declared that by the end of the summit there was general agreement that the Washington Consensus was dated. (Bond defines the Washington Consensus as neo-liberal capitalism which promoted the Poverty Reduction Strategy Papers (PRSP), Heavily Indebted Poor Countries approaches (HIPC), and Public-Private Partnerships (PPP) as its key restructuring instruments (Bond, 2004: 23). What was now needed was a new Santiago Consensus (a reference to where the conference was held) that acknowledged that it was crucial to have economic growth and to adhere to sound monetary and fiscal policies, but in order to go forward, the larger concerns were for equity and social justice. The concern was how to ensure that market-led economic growth benefited all members of society. And how to deal with poverty within a framework that promoted environmental sustainability and popular participation and which generated significant results.

The Santiago Consensus spelt out a new agenda. Education was the first element, as it was the key to unlocking equal opportunity. Next was health care. Then came infrastructure, especially rural roads that connected people to schools, clinics, and markets. Then came a justice system, because equity was not possible without a working legal system. The economic distortions created by crime and drugs must also be

eliminated. And civil safety must be ensured. Other important elements were well-functioning financial systems, urban and rural strategies, electricity, sanitation, and communication systems. Civil society was also a critical player (Wolfensohn, 1998: 1).

In the World Development Report 2000, the Bank admitted that there were serious shortcomings in its approach to fighting poverty (World Bank, 2000:14-21). Among them was that development was more than a fixed set of economic targets. Rather, development must be approached holistically with multiple goals and processes. Given a stable macro-economy, the Bank included the following elements for successful development: the emphasis on beneficiary participation; responsiveness to gender concerns; government ownership of projects; the role of social capital; and networks of trust and association (World Bank, 2000: 14-21).

In the same report, the Bank expressed a concern with the long held correlation between economic growth and rates of improvements in the well-being of people. It conceded that economic growth over the last 30 years revealed little about the rates of improvement in vital measures of development such as political stability, education, life expectancy, child mortality and gender equality. Further, the Bank found that health and education in development endeavours were interrelated. Countries that pursued egalitarian growth strategies, for example, education, or land reform, was more likely to perform well on indicators of human well-being. Inter-linking development according to contexts was also important; for example, in some countries it was found that improvements in educational outcomes of children did not involve increased expenditure on books or teachers, but instead involved building a rural road or a bridge across a river to facilitate access to schools (World Bank, 2000: 14-21).

A further important learning by the Bank was that improvements in gender equality reinforced other elements of the development agenda. Women who had low levels of education and training, poor health and nutritional status and limited access to

resources had the effect of reducing the quality of life of the entire population (World Bank, 2000: 14-21). Therefore, discrimination against women also impaired other elements of sustainable development.

In a similar stream, the UNDP also cautioned against the use of conventional economic indicators to provide evaluations and forecasts of development without examining what was happening within the household sphere (UNDP, 2000: ix). The UNDP found that conventional measures not only depoliticized, but also desocialized the economy, in line with a logic that separated the economic from the social. It concluded, therefore, that governments must go beyond measuring the aggregate well-being of individuals and to measure, additionally, changes in institutional and structural conditions. Crucially, the views of people must be profiled (UNDP, 2000: ix).

The World Bank's 2005 World Development Report cemented the notion of popular participation at the local sphere in international terms. In focusing on empowerment (of communities) under the heading "Popular participation and equitable transitions at the local level", the Bank had this to say:

"Promoting equity through action requires changes in the existing configurations of power and influence. Because established institutions privilege certain interests and marginalize others, making governance institutions more democratic and more equity-enhancing, calls for reforms that increase the possibilities for effective and effective participation by traditionally marginalized groups" (World Bank, 2005: 70).

It is therefore clear that local government *is* that crucial domain for the exercise of democratic rights and for making effective public choices. In substantiating this claim, the Bank goes on to use the case studies of Kerala in Indian and Porto Alegre in Brazil to show how initiatives to deepen democracy and expand the social actors participating in

the political arena had led to effective development and transformation. The same case studies also feature significantly in the literature (see, Govender, 2006: 86-101).

It is evident then that local governments are critical in reshaping local communities, ensuring delivery, and creating job opportunities, and thereby eradicating poverty. However, it is also clear that the efforts of local governments alone will not suffice in achieving development. Therefore, alternative mechanisms such as partnerships, capacity building, and empowerment of communities through participation may be necessary.

Towards this objective, an action plan by the national and provincial governments to support local governments, with the support of the South African Local Government Association (SALGA), was devised. The following strategic objectives formed part of this plan:

- building a strong local government sphere and further enhancing its status within a stable co-operative governance framework;
- building stable institutional and administrative systems in local government;
- deepening local democracy and accountability;
- accelerating service delivery and economic development; and
- building financially viable local government (Kroukamp, 2006: 218-219).

The above plan may constitute the core intervention strategy, but its effectiveness may depend on other support structures such as financial resources, human capacity, appropriate legislation and programmes.

Du Plessis (2006: 95-100) proposes the following elements for successful local government:

- **constructive relationship with the community** – through political representatives; high standards of delivery;
- **effective participation by the local government in national and provincial initiatives** – through co-operative governance;
- **an integrated approach to local government** – through co-operative relationships with local stakeholders and participation in Integrated Development Plans (IDPs);
- **effective financial management** – though ensuring effective revenue collection and sound management of financial resources;
- **encouraging and examining alternative service delivery options** – through partnerships with the private sector in order to ensure quality services; and
- **dealing with challenges** – such as institutional capacity building; better role classification of politicians and officials; customer care programmes; and common commitment to effective local governance (du Plessis, 2006: 95-100).

Graham and Phillips (1998: 7) identify two principal means for public participation in local government: through land-use planning and community activism. Using Arnstein's classic ladder of participation, the process consists of ongoing tension between the view that more information from the public should be obtained in order to produce better decisions and the view that real power in decision-making should be shared with citizens. This tension is clearly evident in the literature consulted by the research and in the research report itself, through a series of recurring themes and questions.

The literature appears to portray poverty not only as a phenomenon to be eradicated but as a terrain or space for people to participate in the eradication of their poverty. It is therefore the function of local governments to facilitate such a process through appropriate policies, programmes, and participation. Such a notion is novel and worth further examination and future research.

5.2.3 Public administration as space for participation

The notion of public administration as a space for participation did not have the same currency in South Africa compared to governance as a space for participation, more specifically the local sphere. Mostly, the literature treated the local sphere in abstract terms without referring directly to actors such as public officials and public institutions in that sphere. However, increasingly, as participation becomes operationalised through local projects, the implication for public administration has become more evident.

Complexity theories form part of the broad band of the post-modernist approach to the study of social science phenomena. Cloete (2006: 45) identifies two main theories which impact on public administration, namely, chaos and quantum complexity approaches. Chaos theory is the study of relatively deterministic but dynamic, non-linear systems that reveal patterns of order out of seemingly chaotic but in fact complex system behaviour. Quantum complexity theory, on the other hand, is truly chaotic in the lay sense of the term: totally random and indeterministic, replete with puzzling paradoxes and counterintuitive characteristics (Cloete, 2006: 45). Collectively, these approaches have come to be known as complexity science whose characteristics include the following:

- non-linear systemic dynamism;
- paradigm diversity;
- theoretical eclecticism; and
- organizational learning (Cooksey, in Cloete, 2006: 54).

The complexity science theory takes on the following paradigmatic approach: guiding instead of prescribing, adapting instead of formalizing, learning instead of defending, complexifying instead of simplifying, and including instead of excluding (Cooksey, in Cloete, 2006: 54).

The consequences of the complexity science approach on public administration needs to be examined in the South African context. For the moment, it is important that the public sector be considered as both a subject and object of change. This means that there are implications for the focus of the research, namely, participatory democracy and the potential for new democratic spaces.

Hajer and Wagenaar (2003: 1-30) discuss developments in governance within the context of the network society which is characterized by such concepts *inter alia*, 'institutional capacity', 'networks' 'complexity' and 'interdependence'. These new developments have implications for a different kind of politics and policy-making. These concerns were raised by Manuel Castells (1996) in his famous trilogy, *Rise of the Network Society*, in which the characteristics of institutions are examined. Institutions which imply stability have given way to networks that imply fluidity. The dynamics of these networks become critical sources of power and can have, for example, serious implications for governance (Govender, 2006: 167).

Hajer and Wagenaar therefore propose five challenges for policy-making and politics in the network society, which are discussed below (Hajer and Wagenaar, 2003: 1-30):

- **New spaces of politics** - Traditional top-down bureaucratic structures make way for government institutions, citizens and the private sector to act as entrepreneurs. Party politics give way to deliberative politics.
- **Politics and policy-making under conditions of radical uncertainty** - Society has taken on more complexity and uncertainty, implying that policy-making and politics cannot be based upon the belief of having absolute knowledge.
- **Increased importance of difference** - Modern societies have become culturally more complex. Therefore, solving problems must include the capacity to deal with groups that do not support the same metaphorical language.

- **Greater interdependence** - There is greater interdependence in society and a growing importance of transdisciplinarity. There is also the idea of transinstrumentality where functions cross over institutions.
- **The dynamics of trust and identity** - The politics of the past relied upon trust and confidence of government institutions. This trust can no longer be assumed to be present. One reason as discussed earlier by Gaventa (2001: 1-10) is the loss of confidence of people in their respective governments to deliver services. However, the main reference in this context is the continuous need for progress that brings about new conditions and events.

The above five challenges have direct relevance for public administration. Public administration is both an academic discipline and profession that applies to public institutions, processes, policies and programmes. The term Public Administration (capital P and capital A) refers to the academic discipline, while the term public administration (lower case p and a) refers to activities of government and includes both strategic and operational activities (Meyer et al in van de Molen, 2001: 59). Ideally, public administration should be thought of in trans-disciplinary terms. The academic discipline of public administration is known to draw closely from the theories of law, political science, organizational psychology, sociology, anthropology, business management, international relations, and information and communication sciences. The profession of public administration, on the other hand, is a combination of complex policy planning, processes and implementation commonly referred to as delivery. It is the view of the research that South African literature is lacking in this particular area of public administration.

In South Africa, there is nobody more qualified to comment on the state of public administration than Minister Geraldine Fraser-Moleketi. At a United Nations Committee of Experts on Public Administration, the Minister acknowledged that public administration provided the key to unlocking the service delivery potential of

governments the world over (Fraser-Moleketi, 2004: 3). At a similar meeting the following year, Minister Fraser-Moleketi (2005) articulated the three most serious challenges of public administration as follows:

- the push for marketisation;
- outsourcing; and
- agentisation of the machinery of the state (Fraser-Moleketi, 2005: 2).

In the international literature, however, in the work by Fukuyama (2004), the discipline of public administration was subjected to critical scrutiny based on the belief that organizations in both the private and public spheres could not be considered optimal forms of organizations. This meant that since there were no valid or fixed rules for organizational design, public administration was necessarily more of an art than a science (Fukuyama, 2004: 43). This view puts a serious indictment on the capability of public administration to evaluate and grow its work within the public sector as a whole.

Fukuyama is therefore concerned with government accountability. In the same work, he argues “holding government agencies accountable to the public is to some extent a matter of institutional design and internal checks and balances, but ultimately, it is the people whom government supposedly serves who are responsible for monitoring its performances and demanding responsive behaviour” (Fukuyama, 2004: 40).

There is also reference to public sector management in the literature. Public sector management refers to the management and organization of public sector institutions. Kapoor contends that public services in developing countries are characterized as administratively inefficient and financially profligate (Kapoor, 1995: 10). The main reasons include weak state institutions, insufficient private investment, and political legitimacy crises. In response, the author offers a participatory view of public sector management (Kapoor, 1995: 12). The effectiveness and efficiency of public services are

enhanced through better and transparent channels of communication, inclusive and consensual decision-making processes, and popular consent and participation. This view offers a power balance between the governmental, non-governmental and private sectors.

In the United States of America, which has a comparatively longer track of participation, domestic legislation has been created for participation of the poor in Community Action Programmes of the Office of Economic Opportunity (Strange, 1972: 467). The depth and expanse of participation in the United States was possible through their decentralized federal system of government, as well as the separation of powers into separate institutions.

In the South African context, Fox (2006: 129) differentiates between a school of thought adhering to the traditional approach and a school of thought striving to introduce innovation and new content into the theory and practice of public administration. He interprets the traditional approach as utilizing the process model of analysis which generally focuses on intra-organizational efficiency rather than on matters which deal with political, ethical, and moral issues. Therefore, the process model has been held to protect the status quo and criticized for preventing new management theories from integrating into public administration. On the other hand, the innovative approach was open to differing value systems, and encouraged the delivery of services where needed.

Rowland (in Fox, 2006: 133) suggests a new approach to the academic discipline of public administration, which should include the following:

- the study of society, values and their allocation, power conflict, environment and forces of change from which the *purpose* of the public sector emanates;
- the study of administration and management which will provide knowledge for the optimal utilization of resources being the *means*; and

- the study of power in bureaucracy culminating in *results* achieved by the public sector.

Gildenhuis (1988: 343) provides further content to a new approach to public administration and suggests that the following be included in the knowledge and skills base of practitioners:

- insight into policy analysis;
- respect for societal values;
- moral integrity and sensitiveness;
- sensitiveness to public opinion;
- requirements for successful public managers; and
- a service ethic to the individual (Gildenhuis, 1988: 343).

The attempt to redefine public administration includes the stress on the environment, values, politics, policy-making, policy implementation, and management. This approach has become known as the open system of public administration as developed by Schwella (in Fox, 2006: 134). The open system is viewed as sub-system of society where the full needs of citizens are transformed *vis-à-vis* the political processes and structures of governmental goals and objectives.

In the final analysis, the most important challenge of public administration is viewed as reconciling the bureaucratic organizational form, with its hierarchical characteristic and functional basis for integration, with the new organizational forms of network structures and partnerships (Fraser-Moleketi, 2005: 2). The key challenges facing public administration were therefore process-based policy issues. In real terms, this translates to the demands of the developmental state where the public sector is critically challenged in terms of capacity to respond to economic growth and social development at the same time.

In order to improve the capacity of public administration, the African Management Development Institute Network has created a platform for sharing experiences and collaboration on governance and administration matters pertinent to the African continent and its public sector institutions (SA Government Information, 2007; African Management Development Institutes Network, 2003). This initiative is likened to the New Partnership for Africa's Development (NEPAD) programme on Governance and Public Administration (United Nations, 2003).

More crucially, the Public Service Commission of the South African government released its 2007 report on the state of the public service (Public Service Commission, 2007) which sets out a clear agenda for strengthening public administration. The report focuses on how public administration can contribute to growth and development (Public Service Commission, 2007: 6). The report firstly identifies a set of challenges for public administration, and these include:

- achieving higher levels of economic growth;
- addressing poverty and underdevelopment;
- building institutional capacity;
- improving safety and security; and
- promoting partnerships (Public Service Commission, 2007: 8).

In order to address the above challenges, the report identifies nine critical principles to facilitate the capacity and development of public administration. These principles are summarized as follows:

- promoting and maintaining a high standard of professional ethics;
- promoting efficient, economic and effective use of resources;
- development orientation of public administration;

- provision of services on the basis of impartiality, fairness, equity and without bias;
- meeting the needs of people and encouraging them to participate in policy-making;
- accountability of public administration;
- fostering transparency by providing the public with timely, accessible and accurate information;
- cultivating and maximizing good human resources and career development practices; and
- public administration to be broadly representative of society, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation (Public Service Commission, 2007: 19-65).

The concerns about the field of public administration and development were also noted in the Mount Grace Papers II. With respect to citizen participation and change, the papers note that one of the areas that is least understood is the impact of citizens on public service and public sector reform and transformation (Theron and Schwella, 2000: 52).

The aforementioned firstly described those areas in public administration wanting in respect of democratic theory, policy planning, governance technologies and process issues. Secondly, various strategies and current efforts were presented with a view towards strengthening public administration. Finally, the research suggests the possibility of other approaches that South Africa should be looking towards. In particular, international experience shows that administrative justice has become a key proponent in public administration and governance.

5.2.4 Administrative law and judicial review as spaces for participation

In the discussion above, it was pointed out that participation was entrenched in legal, institutional, and administrative arrangements of certain northern countries and groups. It was seen that popular pressure by civil society resulted in an instrumentalist outcome with participation being formalized in agreements and governance structures. In respect of agreements, cases of international and regional environmental and other issues were documented. In respect of governance, it was pointed out that the local sphere in particular was identified as the site of participation. This important observation now leads the research to administrative law as the next logical space for participation. In contrast to other forms of participation, namely, electoral and civil society, administrative law as a space for participation can be categorized as legal-juridical (Campbell, 1993: 1).

Administrative law concerns the interface between citizens and the legislative, executive, and administrative arms of government, including governmental agencies and spheres of government such as local municipalities *vis-à-vis* judicial review. Judicial review concerns the power of the courts to examine the actions of government and to determine whether such actions are consistent with the Constitution, relevant legislation, and regulations.

The Promotion of Administrative Justice Act, 2000 gives effect to section 33 (1) of the Constitution of South Africa, which provides that all people have the right to administrative action that is lawful, reasonable and procedurally fair and Section 33 (2) states that where people's rights have been adversely affected by administrative action, they have the right to be given written reasons. Further, and more importantly, section 33 (3) requires national legislation to be enacted to give effect to these rights where, among others, provision must be made for the review of administrative action by a court or an independent tribunal (RSA, 1996: 16).

Section 3 (1), (2) and (3) of the Promotion of Administrative Justice Act states that administrative action which materially and adversely effects the rights or legitimate expectations of any person must be procedurally fair (RSA, 2000: 4). Section 4 (1) directs administrators to hold a public enquiry where administrative actions materially and adversely affect the rights of the public, call for comments from the public, and then decide whether to take the administrative action with or without changes (RSA, 2000: 4-5). The key provision of the Act is contained in section 6 (1) which provides for any person to institute proceedings in a court or tribunal for the judicial review of an administrative action. Examples where people have the right to judicial review include unauthorized administrative action; circumstances of bias; procedural unfairness; error of law; bad faith; failure to take a decision; unreasonable actions; unconstitutional actions; etc. (RSA, 2000: 6).

The court or tribunal may award remedies, including: directing the administrator to give reasons; acting according to the direction given; prohibiting the administrator from taking an action; setting aside an administrative action; declaring the rights of the affected people; and granting temporary relief (RSA, 2000: 7).

The forethought of the Constitution of South Africa and the provisions of administrative justice legislation in South are clearly intended to promote not only transparent government, but effective decision-making where the public has a direct input. Judicial review allows for the public to challenge administrative decisions and processes. (A landmark court case in South Africa which challenges government on the basis of administrative justice is the *Mazibuko vs City of Johannesburg* and is contained in Appendix 7: Johannesburg High Court Ruling – 30 April 2008. Since the ruling is on appeal, the final outcome of the legal proceedings will demonstrate the potential and strengths of administrative justice in the future.)

Vose refers to judicial review as judge-made doctrines to govern state and local practice (Vose, 1966: 85). This refers to the power of courts in limiting municipal rule against state policy. Essentially, the courts decide on what is constitutional and unconstitutional; interpret statutes, administrative rules and regulations; and adjudicate the rulings of other institutions such as lower courts.

In the South African context, Cooper (2003: 107) argues that South African courts had no power to examine or adjudicate apartheid policies and legislation passed under the ruling party. The apartheid government was therefore able to exert the sovereignty of parliament over the sovereignty of people, thereby undermining democratic practice.

The suppression of democracy was upturned by the 1996 South African Constitution which created a right that government engage with citizens when making decisions that affect their lives. Section 59 (1) (a) of the Constitution provides for a right for (public) participation in the legislative and policy-making processes that goes well beyond the right to vote in periodic elections (RSA, 1996: 35).

While there is evidence that participation is an important feature in the South African democratic discourse, there is clearly no provision for judicial review of government policies and actions compared to English, American, or European law. It is also clearly evident that there is a relationship between judicial review and democratic practice internationally, whereas in South Africa this relationship is still to be developed. Klug (2000: 93) argues that international pressures influenced constitutional norms such as the normative right to democratic participation in countries such as South Africa, Eastern Europe and Latin America.

Since achieving democracy in 1994, the public administration system in South Africa has changed radically. The successes of the change processes, policy formulation, and legislation have emerged as strengths in South African public administration. However,

it is in the delivery of services and related public expenditures that the public administration bureaucracy needs to direct further attention (RSA, 2006, 4). In broad terms, South Africa's developmental goals still need to be realized and have been summarized as follows:

- achieving a sustainable high growth rate;
- eradicating poverty;
- eliminating unemployment and under-employment;
- delivering basic needs and providing access to social services to all; and
- developing and preserving environmental wealth (UNDP, 2003: xv-xxii).

One approach to assessing the performance of government was to review the findings of government agencies such as the Human Rights Commission and the Constitutional Court of South Africa. In government's own reviews, it was noted that the Constitutional Court had on several occasions interpreted the obligations of the state to progressively realize the socio-economic rights contained in sections 24, 26, 27 and 29 (1) of the Constitution (RSA, 2005: 86). In their comments, the Court recognized these obligations, but also identified resource constraints on the part of government to meet its obligations. However, the government was urged to promote the progressive realization of these rights through the effective and efficient use of available resources. It seems, then, that one of the most important challenges facing public administration in South Africa is the transformation journey underpinned by the demands of the developmental state.

Perhaps a related challenge is the relationship between democracy and administrative justice. It would be fallacy to assume that justice is intrinsic in both democratic and administrative procedures. Arneson (2004: 40-41), for example, argues that constitutional democracies produce the morally best results on the whole and over the long run, but this judgment is contingent, uncertain, and should be considered

tentatively rather than dogmatically. The author states that assigning political power to a hereditary aristocracy on the ground that the nobles deserve power by birth is wrong. And so, too, it is wrong to hold that each member of a modern society, just by being born, has a right to an equal say in political power and influence, to equal rights of political citizenship and democratic political institutions. The choice between autocracy and democracy (or any other political system) should be decided according to which system produced the best results Arneson (2004; 40-41). Democracy is therefore extrinsically, not intrinsically, just.

The assumption, therefore, that democratic procedures, including those participatory procedures, are intrinsically fair must be treated with caution.

The legislative provision for public participation in the local sphere has been adequately discussed above. However, there is no provision for judicial review procedures in South Africa. Additionally, the relationship between judicial review and democratic practice in South Africa is still to be developed.

However, despite the lack of a formal or procedural institutionalized judicial review process, there is a growing track of the involvement of the courts, in particular the Constitutional Court, in matters of rights between citizens and government institutions in South Africa. Important cases include *Grootboom versus the Department of National Housing*, which tested the provisions of property rights in the Constitution (South African Constitutional Court, 2000); the *Treatment Action Committee versus the Department of Health* (South African Constitutional Court, 2002), and as the *Soobramoney versus Addington Hospital* challenged health care rights provided for in the Constitution (Centre for Human Rights, 1997). More recently, there were matters in the courts that challenged the awarding of government tenders, such as the contracts associated with the building of the Dube Trade Port (Eprop Commercial Property South Africa, 2007) and a soccer stadium for the 2010 Soccer World Cup (Independent on Line,

2007). Among the growing number of judicial review matters, one important matter related to the Choice on Termination of Pregnancy Act, which was declared invalid by the Constitutional Court on the grounds that Parliament had not sufficiently involved the public in drafting the Act (*Mail and Guardian*, 2006: 14).

For Klug (2000: 178), the Constitutional Court's decision, in September 1996, to deny certification of the first text of South Africa's final Constitution, epitomized the post-colonial turn. South Africa had embraced judicial review, and the South African literature does not readily recognize this historic development.

The above selection of court matters demonstrates the efforts by citizens and interest groups at challenging decisions and policies of government institutions at a national level. The challenge identified by the research is the possibility of introducing the judicial review process at the local government sphere, thereby strengthening the hand of citizens and interest groups at influencing policies and decisions of local municipalities.

However, it is accepted that democracy and constitutionalism are ideals which sometimes exist in tension to each other. This is clearly demonstrated by Zurn in his conceptualization of the 'counter-majoritarian difficulty with judicial review' (Zurn, 2002: 467-468). The view expresses reservations about the judicial role of reviewing and potentially overturning statutes enacted by a democratically-elected legislature. Demonstrating this to be the case in the United States, Zurn says: "For it would seem that if an institution such as the United States Supreme Court – a governmental body of nine individuals who are only remotely responsible to the electorate – has the power, in the name of the constitution, to overturn the considered will of the people as it has been formulated and executed by the legislature and the executive – governmental bodies more directly responsible to the people through periodic elections – then the

power to shape their own destiny is not ultimately in the hands of the people, but resides in a 'bevy' of paternalistic guardians" (Zurn, 2002: 468).

The conceptualization of 'counter-majoritarian difficulty with judicial review' therefore means the following: "Since representative forms of democracy must involve the legislative enactment and executive enforcement of the will of the people, and since the will of the people is expressed in the majoritarian decisions of the elected representatives, any governmental agency that overrules the outcomes of legislative practices appears not only undemocratic, but fundamentally anti-democratic" (Zurn, 2002: 468). Formulated in another way, the above problem demonstrated by Zurn means that judicial review is a way of securing minority rights against the will of the majority and therefore counters the constitution and legislative processes.

The judicial review approach presents serious challenges for the traditional understanding of democracy in South Africa, given that it has only recently emerged from an authoritarian political arrangement. Lenta (2004: 2), like Zurn above, argues that judicial review suffers from a deficit of democratic legitimacy. While there may be enthusiasm for democratic institutions and charters such as the Bill of Rights in the South African Constitution, there appears to be concern about the danger of judicial paternalism arising from an unaccountable judiciary (Lenta, 2004: 2). In fact, the deeper fear is that judicial review reproduces one feature of the apartheid system: it allows important decisions concerning the political system to be decided by a small minority, although this arrangement may not be now as legitimate.

A further tension between democracy and constitutionalism requiring in-depth study is the constitutional provision for separation of powers. Section 43 of the Constitution provides that "the legislative authority – of the national spheres of government is vested in Parliament"; section 85 (1) that "the executive authority of the Republic is

vested in the President”, and section 165 (1) in turn provides that “the judicial authority of the Republic is vested in the courts” (RSA, 1996: 89).

Roux (2005: 3) points out that in political and legal theory there are two contrasting versions of the separation of powers doctrine: a strict version, based on a clear division of authority between the legislative, executive and judicial branches; and a flexible, more instrumental version, which requires each branch to control the others in a system of checks and balances. Each version is designed to safeguard, in the case of separation of powers, intrusion by one branch into another domain; and in the case of flexible system, to prevent factionalism. Since democracy may be threatened by domination of one group over others – and since it is easier for a faction to gain control of one branch of government than it is for a faction to gain control of all three, the argument runs, separation of powers tend to work against factionalism (Roux, 2005: 3). The question for further research, therefore, is which version of the separation of powers doctrine is most appropriate for South Africa.

The above problems highlight the controversies with the philosophy of law and political processes. It brings to the fore several questions on the role of the judicial review process that are relevant for the South African context.

5.3 DISCUSSION ON PARTICIPATION

5.3.1 Some strengths and weaknesses of participation models

This work analyses three research problems of the thesis namely:

- to examine the coherence of citizen participation policy against the backdrop of representative and deliberative democratic practice in the local government sphere in South Africa;
- to evaluate the postulation that representative democracy has become passive in contrast to deliberative democracy in South Africa; and
- to comment on the state of capacity of participants in the deliberative processes and their willingness to exert pressure for new spaces for participation.

These research problems will be examined in terms of the findings of the empirical study. The final chapter will present the conclusions of the study overall.

The purpose of this sub-section is to attempt to summarise the strengths and weakness of participatory methods. The discussion begins with Participation Rural Appraisal approach which was once considered radical and on the fringe of the political spectrum.

The participation discourse had its genesis in the late 1980s in India and Kenya through the participatory approach known as 'Participatory Rural Appraisal' (PRA) (Cornwall and Pratt, 2003: 1). Since then it has come to be used in many parts of the world (developing and developed) and in a variety of contexts. But most surprising is the fact that where participatory approaches were once evident on the fringes of the political spectrum, they have now become an instrument employed by global developmental institutions, including the World Bank (see the World Bank's training manual on citizens' participation (World Bank, 2005). It is now also the competence of consultants acting in intermediate roles in local communities.

Beall (2005: 16) makes a similar observation with the use of early social funds known as 'Social Emergence Funds'. The conventional wisdom here is that by broadening client participation in the development project supported by local funds, connection to and ownership of the project is built and fostered. Participatory approaches are thought to

ensure that the aims and objectives of projects match those of the people involved; to ensure that people have an impact on projects; and to increase government accountability through the active involvement of citizens. Beall (2005: 16) recognizes that participation was the central tenet of alternative approaches to development but has now come to inform mainstream development practice. The author also points to a new cynicism about the value and purpose of participation, as well its effectiveness to deliver the development agenda.

In a report by Jones and Hardstaff (2005: 4) of the World Development Movement, the authors suggest that during the 20th century, several key advances were made in terms of citizen participation (e.g. universal suffrage in many countries). However, it could be argued that the same period also saw the creation of a range of international institutions that reduced the ability of individuals to participate in decisions affecting their daily lives; from the United Nations and its many sub-sections to the World Bank, IMF and the World Trade Organisation (WTO). The last three organisations have come under severe criticism, as well as international public protest, in the last few years. The authors believe that the IMF and the World Bank have responded to the criticisms by adopting new ways of working and by the adoption of new rhetoric such as 'country ownership' and 'participation' (Jones and Hardstaff, 2005: 4).

It was also suggested in Chapter 4 in this study, how according to the World Development Report 1999/2000, the World Bank (2000: 14-21) made some startling admissions, among them, that development had multiple goals and processes and went beyond economics to address societal issues. The Bank now included the following elements for successful development: the emphasis on beneficiary participation; responsiveness to gender concerns; government ownership of projects; the role of social capital; and networks of trust and association.

Additionally, it was shown that the Poverty Reduction Strategy Papers (PRSPs) were a new anti-poverty framework of the World Bank and International Monetary Fund (IMF), which in effect replaced the previous structural adjustment programmes. They ensured that debt relief that was provided under the enhanced Highly Indebted Poor Countries (HIPC) Initiative, and concessional loans from the international financial institutions, were in fact conditional, requiring policy restructuring. To obtain concessional loans from the World Bank and the IMF, a country had to agree to a programme with economic conditions attached (Jones and Hardstaff, 2005: 5).

In further observation on the effects of globalization, Sitas (in Szell, et al, 2002: 218-227), borrowing from Castells' trilogy *The Information Age*, notes that capital accumulation, while appearing 'novel and dazzling', was in fact having a cruel and restless dynamism on society. The author was concerned that society seemed to have surrendered agency over to globalization through self-regulating financial and economic flows whilst, at the same time, society was seeking agencies to curtail the impact of the very same forces. The pressing question raised by Sitas was whether society had the capacity to respond and shape the conditions of life in this system of global interactions or whether society was involved in a process of 'shaping' what was out of its control. For instance, could the participation discourse in reality be a take-over of local agendas?

Similarly, Benjamin (2004: 2) argues that capitalist globalization has laid the political and economic stage bare for the rise of elitism. The collaboration between capital and political elites has created a schism in public participation instead of institutionalizing democratic processes between citizen and state. The author claims that participation is no longer about the public participating in political, social and economic life, but it has mutated into the participation of elites to serve their own interests around accumulation of wealth and profit-making. The example cited by the author are the agreements emerging from organisations such as the World Trade Organisation. And, quoting Walker, Benjamin concludes that:

“...the scope of public’s participation in policy making is indicative of the breath and depth of influence and the power and authority that determine policy. The exertion of political power (and how much of it one has) plays a critical role in determining whose interests gets (sic) represented. So, while there may be a broad range of different groups with different politicized interests, not all gain access to the public forum. Those that have significant political power have the access” (Benjamin, 2004: 2).

There appears more damning criticism of participation from certain quarters as indicated in the research previously. Uma Kothari, for instance, suggests that participatory development programmes which stress social inclusion draw previously marginalized individuals and groups into the development process, but do so in ways that bind them more tightly to structures of power that they are not able to question (Kothari, in Cooke and Kothari, 2001: 143). In a similar argument presented by Benjamin above, Kothari argues that organizations like the World Bank use mechanisms promising to depoliticize and empower citizens, but in fact have the opposite effect, hence the idea of a ‘new tyranny’.

In a related local study by Williams (2005a: 24), it is demonstrated how the bureaucratic elites of officials and at local government level imposed their own ‘truncated’ version and understanding of community participation on particular communities. In reference to examples of community participation in Cape Town, it was possible to show political acquiescence and party political programmes being imposed in communities through ‘think-tanks’, ‘self-styled experts’, ‘opinion polls’ and ‘media pundits’ (Williams, 2005a: 24). It was clear that community participation was managed by consultants on behalf of party programmes which were clearly not intended to empower local communities.

The references to the preceding works pose two important questions for participation: Sitas (2002: 3) was concerned whether by our desire to be part of the globalisation

process, we (as a country) may have rather abandoned our commitment to 'civic virtue' and may in fact have sacrificed the many struggles for socio-economic justice during the struggle for democracy. The second concern by Williams (2006: 24) was the danger of communities losing control over the development process through party-driven motives and through the interventions by 'experts'.

On the other side of the argument, the Porto Alegre experiment was considered the jewel in the participatory budget crown. Gret and Sintomer (2005: 130) maintain that in the Porto Alegre experiment, the participatory budget had created a fourth power – that of the citizenry, when it directly assumes decision-making power:

"The experience is fascinating, even though it provides no finished blueprint. Against all those who say that freedom and democracy can manage very nicely without participation, the Porto Alegre experiment confirms that participation is the very heart of democracy, whose arteries extend throughout modern societies" (Gret and Sintomer, 2005: 130).

Beall (2005: 122) also affirms that the participatory approach of the participatory budget achieved three objectives. The first was administrative, where the participatory budget was seen as a way of improving the efficiency of public administration; the second was social, where it was hoped that the participatory budget would promote investment priorities; and the third was political, where the goal of the participatory budget was that of 'democratising democracy' (Beall, 2005: 122).

Davids et al (2005: 112) provides an approach that strongly emphasizes that citizens' (public) participation should become a way of life. Referring to the Manila Declaration, the four participation principles are set out as follows: sovereignty resides with the people, the real actors of positive change; the legitimate role of government is to enable the people to set and pursue their own agenda; to exercise their sovereignty and

assume responsibility for the development of themselves and their communities, the people must control their own resources, have access to relevant information and have the means to hold the officials of government accountable; and those who would assist the people with their development must recognize that it is they who are participating in support of the people's agenda, not the reverse (Theron in Davids et al, 2005: 112). The value of the outsider's contribution will be measured in terms of the enhanced capability of the people to determine their own future.

The above principles are echoed in the African Charter for Popular Participation in Development and Transformation 1990 (Theron in Davids, et al, 2005: 207-219).

The following statement is taken from the Charter:

"We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitable benefits" (Davids et al, 2005: 210).

At the international level, the International Association for Public Participation (IAP2, 2000) sets out the core values for participation as follows: the public should have a say in decisions about actions that affect their lives; public participation includes the promise that the public's contribution will influence the decision; the process communicates the interest and needs of all participants; it seeks out and facilitates the involvement of those potentially affected; participants are involved in defining how they participate; communications are put out to participants about how their input affected decisions; and the public participation process provides participants with the information they need to participate in a meaningful way (IAP2, 2000).

5.3.2 Participation in the South African context

The enshrining of the principles of participatory governance in the Constitution is one of the most noteworthy achievements of the post-apartheid government. However, the application of participatory democracy in the local sphere is a new experience for all actors, and applying the new approaches effectively will remain a challenge for some period of time. The notion of citizen participation in a society so familiar with authoritarian top-down imposition is bound to experience several problems and challenges.

In the South African context, the problems and challenges may be categorized in terms of policy and legal provisions; implementation issues; and issues relating to the complexities of democratic practice.

In terms of **gaps in policy and legislation**, the following gaps have been identified:

Nel (2004: 33) points out that although the Local Government White Paper of 1998 provides for partnerships in service delivery, there are, with the exception of the White Paper on Municipal Service Partnership of 2000, no real effective mechanisms permitting partnership to occur. The Local Government: Municipal System Act of 2000 encourages participation by civil society, but it does not provide any clear mechanism to involve NGOs or the private sector in a defined role. The potential of these sectors to contribute meaningfully to local development is, therefore, not excluded, but is certainly not *directly encouraged* (own emphasis). Decision-making and implementation power is left very firmly in the hands of local government. Nel points out further that this development track differs from that pursued in developed countries and has the potential to perpetuate conventional 'authority' and 'non-authority' divisions at the local level (Nel, 2004: 33).

In terms of **implementation issues**:

Nel (2004: 34) indicates that an estimated 50 percent of local authorities are either bankrupt or in serious financial difficulty, and many small towns do not have the available trained personnel to oversee all the assigned tasks. The first Local Government Budgets and Expenditure Review (RSA, 2006: 5) sets out clearly how the intergovernmental relations system is guided by principles of cooperative governance, accountability and transparency, reinforced by a culture of consultation and public participation. While acknowledging that local government is underpinned by a stable legislative framework, the review declares that local government is still in a state of transition, and that the fiscal framework continues to be refined. The review also registers the successes of reducing some of the delivery backlogs in basic services, but there are still huge service delivery challenges, and urgent work needs to be done by municipalities to meet their constitutional obligations (RSA, 2006: 5).

Further, in terms of the implementation issues, it is difficult to see how the commitment to the ambitious ideal of 'developmental local government' by all the country's municipalities can be established and maintained. As a result, civil society and private sector participation might be a viable development option. However, such an option depends on how legally empowered municipalities and other agencies take the initiative towards participatory governance. But the concern of adequate local income is still a major concern and will impact on, and endanger, any initiative towards implementing participatory governance. There is also the challenge for cooperative governance to support the local sphere to carry out its developmental mandate.

In terms of the **complexities of democratic practice**:

It is evident that there is a great disparity between rhetoric and actual practice. It is clear that the principles of participation are sound and well conceptualized. However, as experience has shown in the Western Cape and within the eThekweni municipality as set

out in this chapter, there are a host of challenges towards making participatory governance a reality. Given also the weak status of many municipalities and the developmental unevenness of communities, democratic practice may be hard to obtain in the near future. However, the most serious challenge is perhaps the failure of current laws to mandate any tangible form of direct participation in development and planning beyond the level of broad, community-based consultation (Nel, 2004: 35).

The participation discourse needs also to include the less referred to issues of identity politics. Piombo and Nijzink (2006: 4) state that the South African democracy hinges in important ways on the expression of identity. The authors show contradictions in voter behaviour at the local sphere. A study conducted in three major cities found that satisfaction with local government performance was substantially higher among white than black voters. Yet, in all three cities, black voters overwhelmingly supported the majority party, and white voters supported the opposition. The authors believe that the role played by identity in voting behaviour is largely ignored by an intellectual elite convinced that identity voting is irrational and primitive, despite its prevalence in democracies (Piombo and Nijzink, 2006: 5). The issue of identity, like the issue of traditional institutions, must therefore be given serious attention in the participatory processes in order not to limit it.

5.3.3 Challenges to public participation in the context of current South African local government

Local government structures have an executive function, in the form of a chosen executive system (executive mayor, collective executive – Exco – or plenary executive), and a legislative function through councils. The local government executive process is not open to the public, but the legislative, or council, process is. The current model of developmental local government emphasizes the need for transparency, accountability,

consultation, facilitation of public participation, and partnerships (Hicks, 2004 in Election Synopsis: 8).

Additionally, in terms of the local government model as well as local government legislation, the local budget, area-based management, performance management of municipal employees, and integrated development planning provide for public participation. Additionally, provision is made for ward committees to act as advisory bodies to the municipal council. And within the ward committee system, there is the dual system of ward and proportional representation (Hicks, 2004 in Election Synopsis: 8).

Given the local government system summarized above, Hicks (in, Reitzes, 2004: 11) identifies the following difficulties impeding public participation:

- **Representation** - While provision is made for the creation of ward committees, the reality is that there are already existing structures in the form of developmental committees or forums in particular geographic areas which are used for this end. This may result in tension between these structures in terms of scope and issues of representation, accountability, etc.
- **Ward structures** - Many municipalities may not have formalised the ward structures and, having not made budgetary provision for their operation, they may as a result be under-resourced.
- **IDP forums** - Are only open to recognised structures, and not other community groups and individuals. In the main, these are drawn from ward committee structures and may therefore perpetuate inherent problems of legitimacy, accountability and representation. Similarly, IDP committees have comprised only officials and councillors, not representatives of community structures. Additionally, many IDPs were developed by consultants without adequately engaging affected communities. Accordingly, these realities do not comply with

the White Paper on Local Government which requires these processes to be community-driven.

- **Municipal legislative processes** – May not be easily accessible to marginalized groups, not well publicised, and time-frames may be too tight for communities to respond or to participate effectively.
- **Accessibility and accountability** - Remains an issue with many communities claiming not to know their councillor. While there exists the code of conduct relating to councillors' performance in council, communities do not have the same recourse.
- **Capacity of officials** – May be an impediment to participation. While many were activists previously, they now face complex and intimidating processes. The role played by skilled and experienced officials in manipulating processes may often be called into question, and relations are sometimes compounded by issues of racism.
- **Traditional institutions** - There may be tensions between elected and traditional local government actors and institutions. The traditional mechanisms may be not be involved in decision-making processes, serving to weaken participation in municipal processes (Hicks in, Reitzes, 2004: 11-12).

In other instances, participation will have little chance of success if:

- Stakeholders are reluctant to participate. Some examples for reluctance to participate may include: they believe that they may be co-opted; or they may have perceived previous participation processes to be less than beneficial; or they may believe that there are other more effective ways to achieve their aims.
- Decision-makers do not support participative processes as they may be concerned about their power being curtailed.
- There may not be much scope for action as the main decisions have been taken.

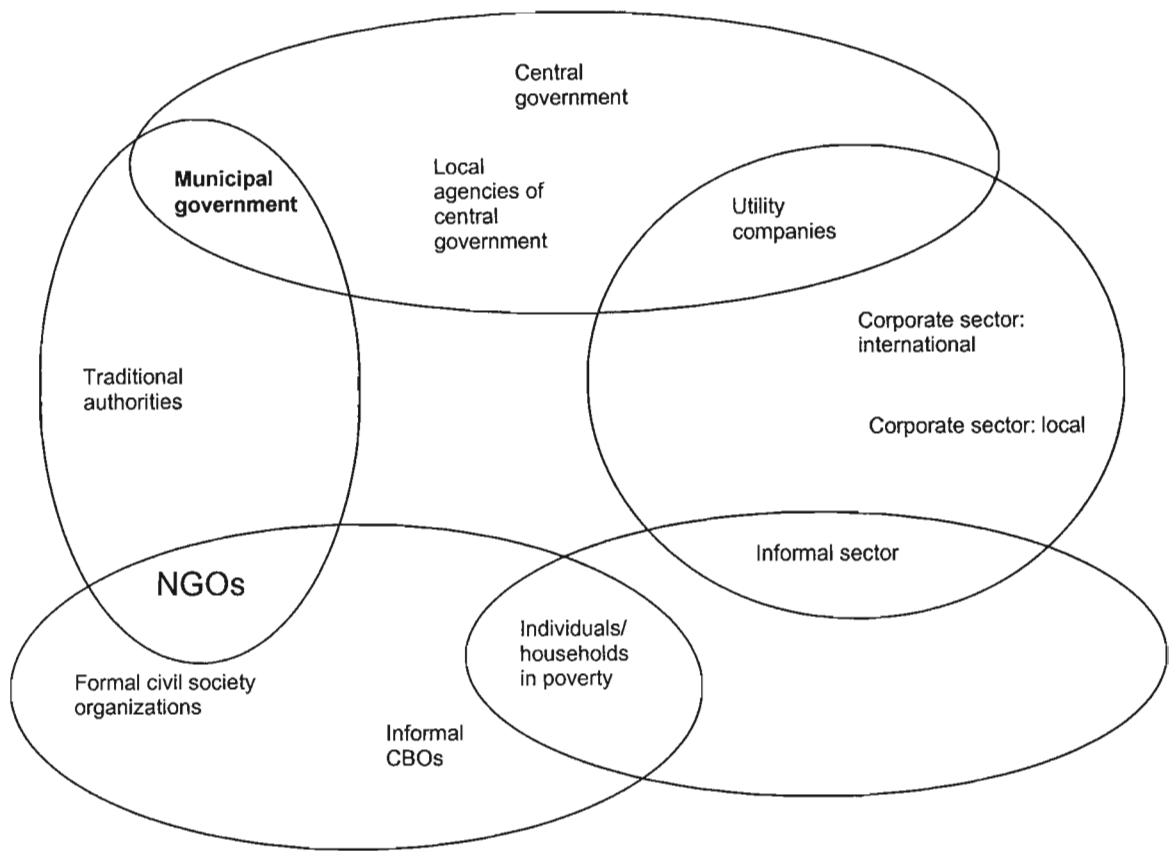
- Participation processes may not be an even process where diversity and access are issues; or might involve hard-to-reach groups or those that are disadvantaged (Partizipation: 2007).

Finally, the research proposes that local government must consider two categories of relationships operating in the local sphere: firstly, the civic relationships within the sphere of local governance; and, secondly, participation relationships between municipal institutions and civil society. The former consists of the host of actors and institutions which relate to the municipality in various ways, including service providers, customers, etc.; and the latter consists of local governance institutions which relate to civil society in a participative relationship limited to governance, policy, and decision-making.

Devas (2001: 394), identifies a number of actors and institutions which influence and determine local governance, including: businesses (from corporate to informal); civil society (CBOs and NGOs); political organizations; religious groups; trade unions; trade associations; governmental agencies (national, provincial, local and traditional authorities); and individual citizens and households (of all income groups).

Local governance therefore includes the relationships and distribution of power among and between the various groups. These may be seen in the figure 5.1 below:

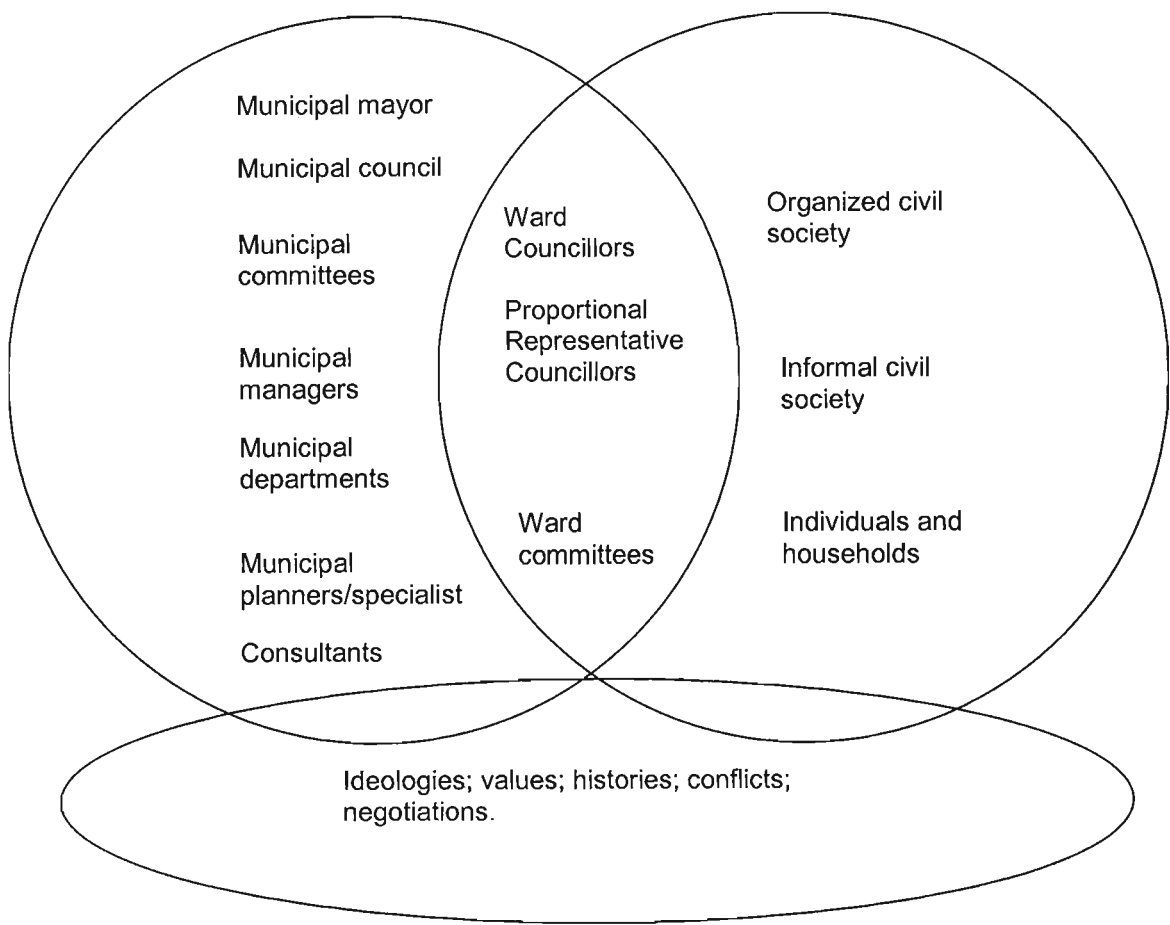
Figure 5.1: Actors and institutions in the local sphere



Source: Adapted from Devas, (2001: 394)

The second category of relationships includes actors such as municipal officials, municipal institutions, (representative and proportional representatives), ward committees, and consultants who must relate to civil society. These relationships are shown in figure 5.2 below.

Figure 5.2 Participation relationships between municipality and civil society



Source: Own research

The above relationships associated with participation mean that there are contextual challenges for local municipalities. The participative approach, instruments and institutions need to be cogently designed to facilitate effective and meaningful participation. Relationships can sometimes be defined by tensions through a host of reasons or combinations of reasons. For example, the relationships between the municipality and civil society can be multi-layered where there are contesting inter-relationships among civil society organizations. (A parallel example is where multiple trade union organizations represent different sections of the municipal workforce.)

Overall, the challenges call for local governments to be vigilant about developing and calibrating participation models. Often civil society organizations may assist with such issues, or municipalities may contract consultants to help improve participative mechanisms. A further resource is web-based networks which provide useful information, guidelines, and advice on a host of issues and topics on participation.

5.3.4 Research on participation in South Africa

In terms of actual experience of participation in local government, the research body shows a growing trend of outputs. There are research outputs by individual researchers and academics, and the key research organizations include the Centre for Public Participation in Durban and the Foundation for Contemporary Research in Cape Town. There are also cursory evaluations of participatory processes by specific municipalities.

Williams (2006: 208), for example, examined Area Co-ordinating Teams (ACTs) in the Western Cape as a mode of engagement by the City of Cape Town to foster community participation in development planning at the grassroots level. The author first comments that theoretically any policy which encourages transparency, constructively engages and involves citizens in the functions of a local government and which seeks to facilitate an ongoing dialogue between citizens and their elected representatives, is good public policy. In this regard, ACTs constitute good policy.

However, in evaluating the effectiveness of the ACTs and drawing from empirical evidence, Williams (2006: 209) concludes that ACTs have been implemented mostly for their symbolic value rather than to empower communities and to transform the unequal relations of socio-economic power in the City of Cape Town. This means that it is not so much the presence or absence of community organizations at grassroots level that determines the nature and impact of community participation on local government programmes, but whether or not their ideas and proposals with regard to development

strategies are taken seriously and incorporated into IDPs. It is therefore important that local government evaluate the public value of the initiatives.

Williams (2005b: 22) goes further to criticize limited participatory practices which give rise to what he calls *administered society*, not democratic society. Williams explains that consent for governance is not earned through rigorous policy debates of the merits and demerits of specific programmes, but political acquiescence is manufactured through the skilful manipulation by a host of think-tanks, self-styled experts, opinion polls, and media pundits. Participation is managed and pre-designed on the part of consulting agencies. This leads to party-directed planning programmes and is clearly not fostered to empower local communities.

In a different study by Levieux (1998: 51-53), participation was found to be limited in terms of serving the community where both the sectoral and general interests were not necessarily served. The study concerned consultation by the local municipal authority with informal traders on the design and upgrading of trading facilities in an area known as Pinetown in the Province of KwaZulu-Natal. The key finding of the study showed that process issues had failed the participation process. This was evident at the conclusion of the upgrading process, where the expressed needs and interests of the informal traders were not reflected in the outcome of the upgrade. "Therefore, even though they were asked to and did participate in the process, it is (sic) wrong to assume that their interest were served, since their views were poorly heard after the agenda had been determined...The informal traders would have preferred a completely different design to the ones which were completed..." (Levieux, 1998: 52).

With regard to ward committees which are a country-wide feature currently, it is still too early to conduct an analysis of their functioning. However, the sense is that ward committees have a great potential to facilitate community involvement in municipal planning. The work of Hicks (in Baccus and Hicks, 2007: 5) of the Centre for Public

Participation and Davids (Davids et al, 2005:112) of the Foundation for Contemporary Research has shown elsewhere in this study that ward committees require the following inputs: significant resources, training, consultative processes, information dissemination, internal guidelines, and appropriate responses from municipal councillors and officials.

In contrast, the output from local and provincial government departments and officials appears to be confined to policy. The Cape Town Municipality, for example, assesses public participation in their IDP processes from a policy perspective in a presentation as follows:

Benefits (of participation):

- empowerment of community;
- participation rather than consultation;
- increased legitimacy of political process; and
- transparent process for allocating resources (City of Cape Town, 2005: 12).

Drawback (of participation):

- costs;
- time needed to participate; and
- representativeness of participants (City of Cape Town, 2005: 12).

Maxatshwa (2007: 7) of the Free State Province summarizes the challenges of participation in a presentation as follows:

- capacity building of role players participating on the IDP Representative Forums so that they can effectively engage with the planning and implementation process;

- capacity building for councils to become agents for change in their communities, better communicators, and more effective representatives;
- capacity building of ward committee members so that they are able to serve as local development champions and are able to interact effectively with and promote the broader community;
- capacity building of the sector departments so that they can understand how to utilise these structures to the benefit of their communities; and
- strengthening ward committees so that they can more effectively interact with the IDP as a municipal-wide plan.

It is clear from the above examples that the key actors in the participation process, namely, local government and provincial government, have not assessed participation as closely as civil society organizations, who comparatively relate lessons from actual experiences. However, some municipalities such as the eThekweni Municipality have a record of published experiences. This finding is another indicator of the uneven capacities and experiences of local municipalities and government departments.

5.3.5 Prospects for embedding democratic governance

Despite the uneven record of participatory experiences across different municipalities, the political will to entrench participation at the grassroots level nevertheless exists. In a study by Pieterse (2002: 31-33) of the governance dynamics in the City of Cape Town, the author makes four critical proposals for embedding democratic governance which have relevance for local governance in South Africa in general. The proposals include:

- **Partnership-based approaches** – These should be in the form of public-private partnerships to lure private investment and lay the ground for securing private sector involvement in the corporatization and utilization initiatives of the

council. Some examples include the private sector initiatives to enhance security arrangements in the central business district.

- **Clustering approach to services** - A new approach to the organization, clustering, and delivery of municipal services could have a dramatic impact on municipal-community interactions. Interest-driven, project-linked community structures will be stimulated to work with municipal project teams to ensure effective design, costing, implementation and monitoring.
- **Citizen's charter** – This could lead to the establishment of a serious municipal consumer movement across the city. The citizens' charter is meant to commit the municipality to deliver 'best value', high quality and equitable services to all citizens.
- **Inclusiveness** – This would mean realizing a model which includes the thick institutional layers of informal, criminal, and illicit survivalist networked in poor communities. These social formations present a formidable challenge to the credibility of local government, mainly as they are impervious to the disciplinary and regulatory initiatives (Pieterse, 2002: 32).

The underlying objectives of the above proposals seek to improve the depth of inter-relations between citizens and local government; improve the quality of those relationships; and obtain a shared sense of purpose to achieve shared goals.

To conclude this discussion, the research presents the question whether the effectiveness of participation can be measured meaningfully. The research shows that while citizen participation as a concept and democratic practice is highly valued, lurking around it are some fundamental doubts about the goals and objectives of participation, including the ability to evaluate its effectiveness. There are a growing number of case studies which make evaluations and then speculate on improving participation in a host of ways. However, studies have yet to show explicit successes of participatory approaches in South Africa. The research therefore suggests that participation

effectiveness should demand the attention of researchers and evaluators in order to increase the knowledge-base about the success, partial success, or lack of success of participation in South Africa. This means developing appropriate measuring instruments.

The work also suggests that there should be further research to establish the link between participation, good governance, and development. Conceptually and ontologically, the three concepts have been brought together and connected, but the empirical evidence is lacking.

5.4 CONCLUSION

The chapter presented the notion that participation can be found in new spaces within the activities of local government. In identifying the four spaces of international agreements, poverty, public administration, and administrative law, the research is suggesting alternative approaches for engagement and participation.

It is therefore possible that participation and participation outcomes can be enhanced in innovative ways. In the case of international agreements, it was shown that participation reduced conflict and promoted stakeholdership; the participation of the affected in poverty reduction strategies ensured that the best policy options were implemented; the review of public administration called for adaptation and synergy; and additions to administrative law through judicial review ensured best practice, giving people and interest groups further recourse to settle matters of process, rights and development.

The critical development in the South African context is the Promotion of Administrative Justice Act, 2000, which provides for affected members of the public to challenge

administrative decisions either in a court or a tribunal. It is possible that administrative justice may become *the* important space for participation.

The chapter sketched the findings of initial research studies into participative methodologies and practices. Different studies showed clearly that participation has brought benefits to the development and democratic processes. The chapter also asserted that given further practice and research, prospects for the embedding of democratic governance as 'a way of life' is possible in the local sphere in South Africa.

The chapter concluded with raising the need for further theoretical and empirical studies towards examining the depth and the reach of participative methodologies.

CHAPTER 6

RESEARCH DESIGN AND METHODOLOGY

6.1 INTRODUCTION

The research design is commonly referred to as the structure of research. The structure of research is based upon the subject matter to be investigated which determines whether the research is either quantitative, qualitative or both. Quantitative research is either descriptive or experimental. Descriptive research establishes associations between variables, and experimental research establishes causality. Descriptive research may be classified as case studies, cross-sectional, and longitudinal research. Experimental research includes longitudinal or repeated measures which may, or may not, require a control group.

Qualitative research on the other hand aims to explain behaviour and associated reasons. The approach seeks to provide in-depth understanding of *why* and *how* decisions or choices are made. Qualitative research employs methods including, observation, interviews, and analysis of documents.

The structure of this study is both exploratory and qualitative. It is exploratory as it attempts to gain a deeper understanding of participatory discourse in the South African context, given that participation is a recent development. The study is also qualitative as it seeks to explain the role, motivations and rationale of specific actors, namely municipal councillors and community stakeholders in participatory forms of local government decision-making. An important outcome of the study is to identify new spaces for participation in local government, thereby strengthening democratic praxis.

6.2 RESEARCH DESIGN

6.2.1 Research problem

Formal participatory democracy is a critical development in South African local government. South African policy planners have taken participatory democracy in all spheres of government seriously which is enshrined in key documents, including the Reconstruction and Development Programme of 1994, the Constitution of South Africa of 1996, and various local government legislation enacted since 1998.

The above developments have been strongly influenced by the determination of the liberation movement to replace apartheid with a strong, just and pervading democratic system in which all people will have equal rights, as well as equal access to governmental and administrative processes. The founders of the South African democracy therefore chose to employ both the representative (electoral) and deliberative systems of politics by which ordinary people can have a direct input and influence decisions affecting them. This development is indeed historic but will remain abstract for many ordinary people if meaningful praxis in local spaces is not realized.

The research problem is therefore to understand how participative praxis approaches can be realized in local spaces where democracy is deepened and citizens are empowered. Stated in another way, the research problem is concerned with understanding the relationship and articulation of representative and deliberative democracy in practice. The study will therefore examine the following three sub-problems:

- the relationship and apparent tensions between representative and deliberative democratic methodologies in the local government sphere;

- the coherence of participation policy against the backdrop of representative and deliberative democratic practice in the local government sphere in South Africa; and
- the state of capacity of participants in the deliberative processes and their willingness to exert pressure for new spaces for participation.

The research sub-problems are closely related to and structured according to the three objectives of the study as stated in 6.2.2.2 below.

6.2.2 Aim and objectives of the study

6.2.2.1 Aim of the study

The aim of the study is to evaluate the participatory policy framework in the local government sphere in South Africa. The conceptual framework and literature study will review international participatory methodologies, thereby identifying policy lessons for South Africa. The empirical study will support the aim of the study by measuring the relative effectiveness of participation policy implementation through the perceptions of participant stakeholders, namely municipal and community stakeholders.

6.2.2.2 Objectives of the study

The objectives of the study are threefold:

- firstly, the study will examine the relationship between representative democracy and deliberative democracy and how they are operationalised in the local government sphere in South Africa;

- secondly, the study will observe and comment on whether participatory policy coheres at the local sphere in South Africa; and
- thirdly, the study will evaluate the contrasting debates and approaches to effective participation at the local government sphere, in particular the possibility for new spaces for participation in South Africa.

6.3 Significance of the study

The study is significant for, *inter alia*, three reasons: firstly, since the implementation of participation policies at the local government sphere is gaining momentum country-wide; secondly, since policy-makers are constantly required to review policy effectiveness; and thirdly, since the possibility exists for new spaces for participation through the judicial review process. This study will therefore contribute authentically to citizens' capacity to challenge local government policies and decisions, thereby improving the effectiveness of participation.

By drawing from the triangulated lessons of democratic discourse, participatory practice and judicial review, the study may therefore materially influence the debate, future praxis and effectiveness of participatory practice on the ground.

6.4 Limitation of the study

The main limitation of the study is that one municipality in South Africa, namely, the eThekweni Municipality, will be examined as the case study. This methodological approach therefore poses a problem for extrapolation and generalization across all municipalities and the local government sphere in South Africa.

6.5 Research methodology

According to Justice (in Yang and Miller, 2008: 75) the term 'research design' denotes both a process and a product aimed at constructing sound arguments. By argument is meant a logical structure of a point supported by reason and evidence. The point can be either a claim set out in a thesis or a conclusion arrived at.

The function of the research design according to Kumar (2005: 84) is twofold:

- to conceptualize an operational plan to undertake the various procedures and tasks required to complete the study; and
- to ensure that the procedures are adequate to obtain valid, objective and accurate answers to the research questions.

The approach taken in this work was, firstly, to frame the aim of the study and to pose three interrelated research sub-problems. The process established by the work, was firstly, to conduct an extensive literature review of the themes related to the aim of work. This was achieved through relevant chapters styled according to specific themes contributing to the overall subject of participation. The second step in the process was to test the three research objectives through the empirical study of the eThekweni Municipality. This was achieved in chapter 7 where supporting evidence and analysis was provided.

Secondly, the structure of the work as a whole satisfies the requirement of the product, i.e. the dissertation. The dissertation carries and connects the arguments from the aim and objectives, through to the conclusion(s) and recommendation(s) of the study.

The above research design was therefore an attempt to produce a persuasive, valid, and demonstrably useful argument. However, the work did reveal two weaknesses: the first was contained in the methodology, in particular with the framing of the questionnaire.

The second (not necessarily a weakness) is the need to retest some of the findings in order to confirm their validity, as is the case with any new knowledge. These weaknesses are pointed out in, and resolved as part of, the general conclusions and recommendations of the study in the final chapter.

6.5.1 Literature review

The literature study formed an integral part of the research process. The literature study supported the research process in the following ways:

- It provided a theoretical background to the work.
- It assisted with determining the research methodology, i.e. it linked the subject matter that was already studied to the research problems posed in this study.
- The findings and recommendations of this work were contextualized and fed back to the body of knowledge and it is hoped, addressed new theoretical questions (Kumar, 2005: 30).

The literature review is also referred to as secondary data collection. Usually secondary data refers to data collected by others for specified purposes, which is used by other studies to support postulations or simply as descriptive analysis. This work relied on both qualitative and quantitative information from a range of secondary sources. Qualitative information was found in the form of texts, papers, presentations, while quantitative information was found in the form of research papers and studies by individual researchers and organizations. This work involved an extensive international literature study on the concepts of participative, representative and deliberative democracy. It consulted books, journals, papers and the internet on the subject matter. The work then reviewed policies, legislation, programmes and political structures that gave content to participation in South Africa. The secondary data collection technique

was supplemented by consultation with other authoritative sources of information described below.

6.5.2 Consultation with authoritative sources of information

The early stages of the research included consultation with sources such as data bases and informed persons on the subject of participation at the eThekweni Municipality. Relevant policy documents of local government in South Africa were also consulted.

This step assisted with clarifying the focus of the aim and research problems of the study and broadened the researcher's knowledge base in the subject matter.

6.6 Research technique

The study is of an exploratory nature. According to Babbie (1999: 72), exploratory studies serve three purposes:

- to satisfy the researcher's curiosity and desire for better understanding;
- to test the feasibility of undertaking a more extensive study; and
- to develop the methods to be employed in any subsequent study.

With regard to this work, the subject of participation may not be new for South Africa, but its formal application in local government is, especially for key participants, including municipalities, councillors, and community stakeholders. This work more or less achieved two of Babbie's purposes, i.e. a better understanding and recommendations for further research.

This research method is also known as primary data collection. Primary data collection consists of the researcher employing methods such as interviews and questionnaires to

gather information based on the aims, objectives and research questions of the study. The research method would include the choice of the sample, data collection methods and the data analysis techniques. These processes are developed in detail below.

6.6.1 Survey method and measuring instrument

According to May (1997: 84), the survey method measures facts, attitudes or behaviour through questions. Surveys aim to show causal relationships through the statistical association between variables. The answers and relationships established must then be quantified and categorized. The next step must then allow for statements bringing better understanding to the research problems at the least, and generalizations about the groups and subject matter at best.

Using the above framework, questions were framed which intended to measure different causal relationships found in what the work calls the 'participation matrix'. By 'participation matrix' is meant the complex relationships of existing variables as well as the *expectation* of new variables and relationships.

In operationalizing the measuring instrument, the questionnaire combined qualitative and quantitative forms of data collection methods in the form of unstructured and structured interview schedules. Unstructured interviews were firstly undertaken with experts on the subject matter. Discussions were then held with officials of the eThekweni Municipality, civic leaders, NGOs, public policy-makers, academics, and researchers in the metropolitan area of Durban to gain first-hand information on various aspects of participation.

The background information gathered informed the construction of the structured interview schedule. Creswell (1994: 21) and Ragin (1994: 91-93) provide appropriate

justification for the use of initial qualitative research approaches in studies that are exploratory in nature.

Two sets of questionnaires were administered for the two groups of interviewees, namely municipal councillors and representatives of community stakeholders. In this study, the structured interview schedule allowed for qualitative responses in the hope of these being grouped into thematic categories to support other findings. However, the outcome was that qualitative responses were kept to a minimum not allowing for this process. The main explanation for this problem was that the length and depth of the questionnaire impacted on time taken to complete the questionnaires.

6.6.2 Linking the questionnaires with the research themes

The conceptualization of the measuring instruments was drawn directly from the themes and objectives of the study.

Questions were firstly clustered into sub-sections and themes. The framing of each question was based upon an underlying objective which in turn was linked to a specific theme and overall objective of the study.

The table format was chosen to present the questionnaire structure which allows for easy reading and reference.

6.6.3 Questionnaire structure

The research design included two measuring instruments contained in separate questionnaires: the first was aimed at a sample of eThekweni Municipality councillors, and second at a sample of community stakeholders, namely civics and ratepayer organizations.

Both the measuring instruments set out to gather data and information in direct relation to the objectives of the study. In keeping with the exploratory and qualitative nature of the study, the questionnaires were structured, but provided for additional information and comments from interviewees.

The questions and alternative responses provided in the questionnaires had the intention of finding out the attitude of respondents on issues relating to participation and past experience. The first step was to frame the question and provide a specific number of alternative choices. Depending on the number of alternatives, a scale ranging from the lowest (1) to highest (8) was provided for each item. The number of alternatives provided differed for different questions.

While it was known that this method might present problems for respondents, the research assistant was trained to work through them. In order to assist with an understanding of the multifold approach the following example was pursued with respondents. Respondents were told that their attitudes were being sought on the issue of service delivery. In order for them to answer appropriately, they would have to think about several interrelated issues, including: the manner of delivery; its location; the physical facilities needed; the behaviour of personnel; the competence of personnel; the effectiveness and efficiency of the service; and so on.

In approaching a particular question, the respondent would then have to think about the different alternatives provided, and then rank them by order of priority. The research assistance was expected to facilitate the entire process in order to ensure reliability.

Kumar (2005: 145) sets out three types of attitudinal scales:

- the summated rating scale, also known as the Likert Scale;

- the equal-appearing interval scale or differential scale, as known as the Thurstone Scale; and
- the cumulative scale, as known as the Guttman Scale. (This last scale is not popular according to Kumar (2005: 145).

Usebersax (no date: 1) identifies the following characteristics of the Likert Scale:

- the scale has several items;
- response levels are arranged horizontally;
- response levels are anchored with consecutive integers;
- response levels are also anchored with verbal labels which connote more or less evenly-spaced gradations;
- verbal labels are bivalent and symmetrical about a neutral middle; and
- in Likert's usage, the scale always measures attitude in terms of level of agreement/disagreement to a target statement.

Spector (1992: 1) sets out slightly different characteristics of the Likert Scale, including:

- firstly, the scale must contain multiple items;
- secondly, each individual item must measure something that has an underlying, quantitative measurement continuum;
- thirdly, each item has no 'right' answer (different from multiple choice); and
- fourthly, each item in a scale is a statement to be rated.

The outcome of the Likert scale according to Kumar (2005: 150) is that the analysis is limited to statements such as respondent 'a' has a more positive attitude than respondent 'b'. The researcher cannot conclude, for example, that the attitude of respondent 'a' was twice as positive as respondent 'b'. The net effect is that a score only places respondents in a position relative to one another. Essentially, the Likert Scale

does not measure the attitude *per se*, but helps to rate a group of individuals in descending or ascending order with respect to their attitudes towards the issues in question.

Kumar then suggests that this problem is overcome by the Thurstone scale which calculates a 'weight' or 'attitudinal value' for each statement (Kumar, 2005: 150). The scale employs a 'median value' for each statement calculated on the basis of rating assigned by a group of judges. The judges give an 'attitudinal value' to each statement with which respondents express agreement. The steps to construct the 'attitudinal value' would consist of the following:

Step 1: assemble statements reflective of attitudes towards an issue;

Step 2: select a panel of judges or experts in the field study;

Step 3: ask the judges to rate each statement on an 11-point scale;

Step 4: calculate the median value for each item;

Step 5: select statements that best reflect attitudes towards various aspects of the issue and discard others; and

Step 6: construct a questionnaire/interview schedule comprising the selected items (Kumar, 2005: 150).

Understanding the background to attitudinal scales, the researcher adapted a scoring method. The researcher firstly set questions and developed a range of possible choices to be ranked by the respondent. The range of choices was thought to best suit the context and operation of participation. The attitudinal value was then calculated as the mean score (\bar{x}) derived by dividing 100 by the number of alternatives provided. For example, where a question had five alternatives, the $\bar{x} = 20$. Final scoring consisted of firstly identifying the level in which responses were indicated; secondly, the percentages above \bar{x} ; and thirdly, the percentages below the \bar{x} . Where the score fell above the \bar{x} ,

this indicated a more affirmative attitude, and where the score fell below the \bar{x} , indicated a less affirmative attitude.

In constructing the questions, three types of closed questions were utilized. Firstly, some questions required yes/no/not sure responses aimed at confirming certain information. Secondly, some questions required answers that required to be ranked by order of intensity of agreement or disagreement. Thirdly, some questions required answers that required ranking by order of priority. These questions contained several alternatives ranging from four to eight alternatives and respondents were asked to rank all alternatives according to priority. The choices of responses were pre-coded to facilitate data gathering and analysis using the SPSS programme.

The researcher notes that the alternatives to questions and their wording should be reviewed in future research instruments.

6.6.4 Research themes-questionnaire structure

The researcher constructed a question-objective matrix, linking each question with either a theme studied or with one of the three research problems of the study. Each of the questionnaires, namely, councillor questionnaire and community stakeholder questionnaire was categorized into themes.

6.6.4.1 Councillor questionnaire

The **councillor questionnaire** was subdivided into five sections, namely:

- biographical information;
- councillor information;
- participation in local government matters;

- role of local government ; and
- judicial review process in local government matters.

The individual questions in the five subsections are justified and associated with the three research objectives as set out in the matrix below.

Figure 6.1: Councillor’s questionnaire, objective and associated theme

| QUESTION | OBJECTIVE(S) | THEME(S) |
|--|--|--|
| SECTION 1: BIOGRAPHICAL INFORMATION | | |
| 1. Please indicate your gender | Assess sample councillor equity profile | Biographical profile |
| 2. Please indicate your race group | Assess sample councillor equity profile | Biographical profile |
| 3. In addition to being a municipal councillor, what is your other occupation? | Assess other roles of sample | Biographical profile |
| 4. In addition to being a councillor in the eThekweni Municipal Council, what other community structures do you belong to? | Establish community activism | Biographical profile |
| SECTION 2: COUNCILLOR INFORMATION | | |
| 5. Are you an elected or proportional representative councillor at the eThekweni Municipality? | Examine divided views of elected and proportional representative | Relationship between representative and deliberative democracy |
| 6. Which political party do you represent at the eThekweni Municipality? | Establish political allegiance | Relationship between representative and deliberative democracy |
| 7. Have you been a member of another political party in the past one year? | Changing political allegiance | Relationship between representative and deliberative democracy |
| 8. Which geographical area do you represent? | Establish party political distribution and political power | Relationship between representative and deliberative democracy |
| 9. Which ward do you represent? | Establish political distribution | Relationship between representative and |

| | | |
|---|--|---|
| | | deliberative democracy |
| 10. For how long have you been a councillor at the eThekweni Municipality? | Establish length of political engagement | Relationship between representative and deliberative democracy |
| SECTION 3: PARTICIPATION IN LOCAL GOVERNMENT MATTERS | | |
| 11. Is your political party fully appraised of participation of community stakeholders in local government matters as stated in local government legislation? | Establish knowledge of participation | Relationship between representative and deliberative democracy in the local sphere |
| 12. Following from question 11, please rank in order of priority the views of your political party about participation as stated in local government legislation. | Establish views of participation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 13. Has your political party monitored the participation of community stakeholders in any issue? | Establish level of interest in participation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 14. If your political party has monitored the participation of community stakeholders, please rank by order of priority the local government matters covered. | Establish level of interest and participation by political parties | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 15. Following from question 14, please rank the <i>impact</i> participation had on the | Examine impact of participation | Relationship between representative and deliberative democracy in |

| | | |
|---|---|--|
| different local government matters. | | <p>the local sphere</p> <p>Coherence of participatory policies as contained in legislation and expressed in practice</p> |
| SECTION 4: ROLE OF LOCAL GOVERNMENT | | |
| 16. From your political party's experience of participation in the eThekweni Municipality, please rate in order of priority <i>support for participation</i> in local government matters. | Examine tension/conflict, if any, between the representative and participatory approaches | <p>Relationship between representative and deliberative democracy in the local sphere</p> <p>Coherence of participatory policies as contained in legislation and expressed in practice</p> |
| 17. From your political party's experience of participation in the eThekweni Municipality, please <i>rate the effectiveness</i> of in the following roles. | Establish postulation that representative democracy has turned passive | <p>Relationship between representative and deliberative democracy in the local sphere</p> <p>Coherence of participatory policies as contained in legislation and expressed in practice</p> |
| 18. Does your political party fully support the election of both elected, i.e. ward, and proportional representative councillors? | Examine tension/conflict, if any between elected ward and proportional representative councillors | <p>Relationship between representative and deliberative democracy in the local sphere</p> <p>Coherence of participatory policies as contained in legislation and expressed in practice</p> |
| 19. Following from question 18, does your political party support multiple councillors from different political parties being allocated to the same ward? | Examine tension/conflict, if any, of multiple councillor representatives | <p>Relationship between representative and deliberative democracy in the local sphere</p> <p>Coherence of participatory policies as contained in legislation</p> |

| | | |
|--|--|---|
| | | and expressed in practice |
| 20. Following from questions 18 and 19, rank the reasons by order of priority why your political party supports elected, proportional and multiple councillors in wards. | Examine views on democratic representation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 21. From your political party's experience, does it support <u>both</u> <i>representative systems</i> and <i>participative methods</i> ? | Examine views on democratic representation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| SECTION 5: JUDICIAL REVIEW PROCESS IN LOCAL GOVERNMENT MATTERS | | |
| 22. If community organizations and citizens in South Africa were given the option of challenging the actions of local government through the judicial review process, would your political party support such an option? | Establish interest to deepen democratic processes | Contrasting debates which argue for new approaches and spaces for effective participation |
| 23. Is your political party aware of the judicial review process in other countries such as the United Kingdom, United States of America and elsewhere? | Establish knowledge of international trends | Contrasting debates which argue for new approaches and spaces for effective participation |
| 24. If your political party supports the judicial review process, please rank in order of priority how the system should be formalized. | Establish motivation to establish new spaces for participation | Contrasting debates which argue for new approaches and spaces for effective participation |

Following from the above matrix, the councillor questionnaire is set out in Figure 6.2 below.

Figure 6.2: LOCAL GOVERNMENT COUNCILLORS QUESTIONNAIRE

UNIVERSITY OF KWAZULU-NATAL

**SCHOOL OF PUBLIC ADMINISTRATION
FACULTY OF MANAGEMENT STUDIES
PRIVATE BAG X 54001
DURBAN
4000**

5 October 2007

Dear Sir/Madam

QUESTIONNAIRE: LOCAL GOVERNMENT COUNCILLORS

The researcher and the School of Public Administration at the University of KwaZulu-Natal invite you to participate in a study entitled **“New spaces for participation in South African local government”**.

The aim of the study is to examine the system of representative democracy, i.e. role of councillors and public participation in local government matters. The study is both theoretical and empirical, using the eThekweni Municipality as its case study. The findings of the study may contribute towards strengthening and deepening participation by local government, civil society and citizens.

Your participation means being interviewed by a trained research assistant. You are required to provide short answers to a structured questionnaire. The time required to complete the questionnaire will be approximately fifteen minutes. The research assistant will ensure that the interview is conducted at a place, time and manner suited to you.

The research procedures are overseen by the Research Ethics Committee of the University. You are assured that your participation in the research will be treated confidentially. Since your participation is voluntary, you may withdraw at any time without any obligation.

In order to indicate your consent, please sign and date the statement below.

If you have any further queries, you may contact the head of the School of Public Administration. UKZN:

Dr Pregala Pillay
Telephone: 021 260 7059
Email: pillaype@ukzn.ac.za

We thank you in advance for your valued contribution.

Yours sincerely

Student: JP Govender
Phone: 031 260 7744
Mobile: 083 491 7896
Email: govenderjp@ukzn.ac.za

Supervisor: Professor PS Reddy
Phone: 031 260 7578
Email: [reddyp1@ukzn.ac.za](mailto:redryp1@ukzn.ac.za)

STATEMENT BY INTERVIEWEE

I (full name of interviewee) hereby confirm that I understand the nature of the study being undertaken and that I voluntarily agree to being interviewed.

I understand that I am at liberty to withdraw from the study at any time, should I so desire.

.....
Signature of interviewee

.....
Date

Please indicate your answer by marking a tick (v) in the appropriate box.

SECTION 1: BIOGRAPHICAL INFORMATION

1. Please indicate your gender.

| | |
|--------|---|
| Male | 1 |
| Female | 2 |

2. For research purposes, please indicate your race group.

| | |
|------------------------|---|
| African | 1 |
| Indian | 2 |
| Coloured | 3 |
| White | 4 |
| Other (Please specify) | 5 |

3. In addition to being a municipal councillor, what is your other occupation?

| | |
|------------------------|----|
| Manager | 1 |
| Professional | 2 |
| Technical | 3 |
| Clerk | 4 |
| Sales | 5 |
| Agricultural | 6 |
| Craft | 7 |
| Machine operator | 8 |
| Labourer | 8 |
| Unemployed | 10 |
| Other (Please specify) | 11 |

4. In addition to being a councillor on the eThekweni Municipal Council, what other community structures do you belong to?

| | |
|-----------------------------------|----|
| Civic and ratepayer | 1 |
| Social welfare | 2 |
| Crime prevention, drugs and abuse | 3 |
| Religion | 4 |
| Sports | 5 |
| Youth | 6 |
| Women | 7 |
| Job creation | 8 |
| HIV/AIDS | 9 |
| Other (Please specify) | 10 |

SECTION 2: COUNCILLOR INFORMATION

5. Are you an elected or proportional representative councillor at the eThekweni Municipality?

| | |
|-----------------------------|---|
| Elected | 1 |
| Proportional representative | 2 |

6. Which political party do you represent at the eThekweni Municipality?

| | |
|---|----|
| African Christian Democratic Party (ACDP) | 1 |
| African National Congress (ANC) | 2 |
| Democratic Alliance (DA) | 3 |
| Independent Democrats (ID) | 4 |
| Inkhata Freedom Party (IFP) | 5 |
| Minority Front (MF) | 6 |
| New National Party (NNP) | 7 |
| The Green Party (GP) | 8 |
| United Democratic Movement (UDM) | 9 |
| Independent Candidate | 10 |
| Other (Please specify) | 11 |

7. Have you been a member of another political party in the past one year?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |

8. Which geographical area do you represent?

| | |
|-------|--|
| Area: | |
|-------|--|

9. Which ward do you represent?

| | |
|--------------|--|
| Ward Number: | |
|--------------|--|

10. For how long have you been a councillor at the eThekweni Municipality?

| | |
|--------------------|---|
| Less than 5 years | 1 |
| Less than 10 years | 2 |
| Less than 15 years | 3 |
| Less than 20 years | 5 |

SECTION 3: PARTICIPATION IN LOCAL GOVERNMENT MATTERS

[Definition: **participation** means community or citizens’ participation in local government matters through municipal-community forums, public consultation meetings, or any form of engagement by civil society organisations with the municipality.]

11. Is your political party fully appraised of participation of community stakeholders in local government matters as stated in local government legislation?

| | |
|--------------------|---|
| Fully appraised | 1 |
| Somewhat appraised | 2 |
| Not appraised | 3 |
| Not sure | 4 |
| Comments: | |
| | |

12. Following from question 11, please rank in order of priority the views of your political party about participation as stated in local government legislation?

| | | | | | |
|--|---|---|---|---|---|
| Participation as stated in local government legislation is adequate | 1 | 2 | 3 | 4 | 5 |
| Participation as stated in local government legislation is inadequate | 1 | 2 | 3 | 4 | 5 |
| Participation as stated in local government legislation is only about consultation | 1 | 2 | 3 | 4 | 5 |
| Participation as stated in local government legislation is co-option in practice | 1 | 2 | 3 | 4 | 5 |
| Participation as stated in local government legislation interferes with ward committees and councillors | 1 | 2 | 3 | 4 | 5 |
| Comments: | | | | | |
| | | | | | |

13. Has your political party monitored the participation of community stakeholders in any issue?

| | |
|----------|---|
| Yes | 1 |
| No | 2 |
| Not sure | 3 |

14. If your political party has monitored the participation of community stakeholders, please rank by order of priority the local government matters covered?

| | | | | | | | | |
|--|---|---|---|---|---|---|---|---|
| Integrated development plans (IDPs) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Municipal budget process | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Local economic development projects | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Major superstructure projects, such as conference facilities | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Provision of infrastructure, such as electricity, water, sewerage and roads in communities | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Sporting, cultural and community facilities | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Housing | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Health | 1 | 2 | 3 | 4 | | 6 | 7 | 8 |
| Other issues (Please specify) | | | | | | | | |
| | | | | | | | | |

15. Following from question 14, please rank the **impact** participation had on the different local government matters.

| Issue | Positive impact | Negative impact | Neither positive nor negative impact | Not sure |
|--|-----------------|-----------------|--------------------------------------|----------|
| Integrated development plans (IDP) | | | | |
| Municipal budget process | | | | |
| Local economic development projects | | | | |
| Major superstructure projects, such as conference facilities | | | | |
| Provision of infrastructure, such as electricity, water, sewerage and roads in communities | | | | |
| Sporting, cultural and community facilities | | | | |
| Housing | | | | |
| Health | | | | |
| Other (Please specify) | | | | |
| | | | | |

SECTION 4: ROLE OF LOCAL GOVERNMENT COUNCILLORS

16. From your political party’s experience of participation in the eThekweni Municipality, please rate in order of priority **councillors’ support for participation** in local government matters.

| | | | | |
|---|---|---|---|---|
| Councillors generally support participation in local government matters | 1 | 2 | 3 | 4 |
| Councillors are cautious about participation in local government matters | 1 | 2 | 3 | 4 |
| Councillors do not support participation in local government matters | 1 | 2 | 3 | 4 |
| It depends; different ward and proportional representative councillors take differing positions about participation | 1 | 2 | 3 | 4 |
| Other reason: (Please specify) | | | | |
| | | | | |

17. From your political party’s experience of participation in the eThekweni Municipality, please **rate the effectiveness** of councillors in the following roles.

| Role | Effective | Ineffective | Neither effective nor ineffective | Not sure |
|--|-----------|-------------|-----------------------------------|----------|
| Political role , i.e. represents and serves the interests of the constituency | | | | |
| Social welfare role , i.e. alleviates poverty & ill-health | | | | |
| Economic role , i.e. creates jobs & promotes local investment | | | | |
| Service provider role , i.e. housing, water & electricity | | | | |

18. From your political party’s experience, does it support both **representative systems** and **participative methods**?

[Definition: **representative systems** means elected, proportional representative and multiple councillors in wards; and **participation methods** means municipal-public consultations, citizens forums, referenda, public meetings, etc.]

| | |
|--|---|
| Supports both representative systems and participative methods | 1 |
| Does not support both representative systems and participative methods | 2 |
| Supports both representative systems and participative methods but there is still a need for other democratic options | 3 |
| Not sure | 4 |
| Comments: | |
| | |

19. Does your political party support the election of both ward and proportional representative councillors?

| | |
|--|---|
| Yes, it supports both the election of ward and proportional representative councillors | 1 |
| No, it supports only the election of ward councillors | 2 |
| Not sure | 3 |
| Comments: | |
| | |

20. Following from question 19, does your political party support multiple councillors from different political parties being allocated to the same ward?

| | |
|------------------|---|
| Yes | 1 |
| No | 2 |
| Not sure | 3 |
| Comments: | |
| | |

21. Following from questions 19 and 20, rank the reasons by order of priority why your political party supports elected, proportional and multiple councillors in wards.

| | | | | | |
|---|---|---|---|---|---|
| My organization has no problem with elected, proportional representative and multiple councillors in wards | 1 | 2 | 3 | 4 | 5 |
| Elected, proportional representative and multiple councillors in wards benefits the democratic process | 1 | 2 | 3 | 4 | 5 |
| There is no unfair political advantage by having elected, proportional representative and multiple councillors in wards | 1 | 2 | 3 | 4 | 5 |
| Elected, proportional representative and multiple councillors work towards the advantage of the community | 1 | 2 | 3 | 4 | 5 |
| Not sure | 1 | 2 | 3 | 4 | 5 |
| Comments: | | | | | |
| | | | | | |

SECTION 5: JUDICIAL REVIEW PROCESS IN LOCAL GOVERNMENT MATTERS

[Definition: the **judicial review** process refers to powers given to courts to examine the actions of local government in terms of the Constitution and local government legislation. In other words, community organizations and citizens have the legal right to challenge an action of local government collectively or individually.]

22. Is your political party aware of the judicial review process in other countries, such as the United Kingdom, United States of America and elsewhere?

| | |
|---|---|
| My political party is aware of the judicial review process in other countries | 1 |
| My political party is not aware of the judicial review process in other countries | 2 |
| Not sure | 3 |
| Comments: | |
| | |

23. If community organizations and citizens in South Africa were given the option of challenging the actions of local government through the judicial review process, would your political party support such an option?

| | |
|--|---|
| Supports the judicial review process | 1 |
| Neither supports nor rejects the judicial review process | 2 |
| Rejects a judicial review process | 3 |
| Comments: | |
| | |

24. If your political party supports the judicial review process, please rank in order of priority how the system should be formalized.

| | | | | |
|---|---|---|---|---|
| Provide for the judicial review process in the Constitution of South Africa | 1 | 2 | 3 | 4 |
| Provide for the judicial review process in local government legislation | 1 | 2 | 3 | 4 |
| Provide for the judicial review process in both the Constitution of South Africa and in local government legislation | 1 | 2 | 3 | 4 |
| Allow municipalities to promulgate their own bylaws on the judicial review process | 1 | 2 | 3 | 4 |
| Comments: | | | | |
| | | | | |

Thank you for your valued participation.

6.6.4.2 Community stakeholder’s questionnaire

The community stakeholder’s questionnaire was subdivided into four sections, namely:

- organizational information;
- participation in local governance matters;
- role of local government ; and
- judicial review process.

The individual questions in the five subsections are justified and associated with the three research objectives as set out in the matrix below.

Figure 6.3: Community stakeholders’ questionnaire, objectives, and associated themes

| QUESTION | OBJECTIVE(S) | THEME |
|--|--|--|
| SECTION 1: ORGANIZATIONAL INFORMATION | | |
| 1. What is the name of your organization? | Establish sample profile | Biographical profile |
| 2. For how long has your organization been in existence? | Establish sample profile | Biographical profile |
| 3. What is your position in the organization? | Establish information authentication | Biographical profile |
| 4. In which geographical area does your organization operate? | | Biographical profile |
| 5. What is the Ward number in which your organization is located? | Establish sample profile | Biographical profile |
| 6. What are the issues promoted by your organization in order of priority? | Establish type of activism | Biographical profile |
| SECTION 2: PARTICIPATION IN LOCAL GOVERNANCE MATTERS | | |
| 7. Does your organization support participation in the eThekweni Municipality on local government matters at stated in local government legislation? | Establish views of participation | Relationship between representative and deliberative democracy in the local sphere |
| 8. Does your organisation have a policy on participation in local | Establish level of interest in participation | Relationship between representative and |

| | | |
|--|---|---|
| government matters? | | deliberative democracy in the local sphere |
| 9. Which of the issues did your organization participate in <i>by order of priority</i> ? | Establish level of interest and participation by community stakeholders | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 10. If your organization participated in the eThekweni Municipality on local government matters, how <i>successful was the participation</i> , i.e. did your organization's participation change or improve decisions of the municipality? | Examine impact of participation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 11. If your organization participated in the eThekweni Municipality on local government matters, <i>how effective were the processes</i> for participation, i.e. were all relevant stakeholders invited; did your organization receive adequate information about its role in the participation process; etc.? | Examine impact of participation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 12. Following from questions 10 and 11, please rate the <i>reasons for the success and effectiveness of participation by order of priority</i> ? | Examine impact of participation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 13. If your organization does not support participation in the eThekweni Municipality on local | Establish tensions/conflict, if any, between stakeholders | Relationship between representative and deliberative democracy |

| | | |
|---|---|---|
| government matters, please rank its reasons by order of priority. | and the municipality | in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| SECTION 3: ROLE OF LOCAL GOVERNMENT | | |
| 14. From your organization's experience, please rank <i>support for (public) participation</i> in the eThekweni Municipality on local government matters. | Examine tension/conflict, if any, between community stakeholders and councillors | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 15. Does your organization support the election of both ward and proportional representative councillors? | Examine tensions/conflict, if any, between ward and proportional representative councillors | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 16. Following from question 15, does your organization support multiple councillors from different political parties being allocated to the same ward? | Examine tension/conflict, if any, of multiple councillor representatives | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| 17. Following from questions 15 and 16, rank the reasons by order of priority for why your organization supports elected, proportional and multiple councillors in wards. | Examine willingness for multiple democratic approaches | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation |

| | | |
|--|--|---|
| | | and expressed in practice |
| 18. From your organization's experience, does it support <u>both</u> <i>representative systems</i> and <i>participative methods</i> ? | Examine views on democratic representation | Relationship between representative and deliberative democracy in the local sphere Coherence of participatory policies as contained in legislation and expressed in practice |
| SECTION 4: JUDICIAL REVIEW PROCESS | | |
| 19. If community organizations and citizens in South Africa were given the option of challenging the policies and decisions of municipalities through a judicial review process (i.e. taking municipalities to court), would your organization support such an option? | Establish interest to deepen democratic processes | Contrasting debates which argue for new approaches and spaces for effective participation |
| 20. Is your organization aware of the judicial review process in other countries such as the United Kingdom, United States of America, and elsewhere? | Establish knowledge of international trends | Contrasting debates which argue for new approaches and spaces for effective participation |
| 21. If your organization supports the judicial review process, please rank in order of priority how the system should be formalized. | Establish motivation to establish new spaces for participation | Contrasting debates which argue for new approaches and spaces for effective participation |

Following from the above matrix, the stakeholders' questionnaire is set out in Figure 6.4 below.

Figure 6.4: COMMUNITY STAKEHOLDERS QUESTIONNAIRE

UNIVERSITY OF KWAZULU-NATAL

**SCHOOL OF PUBLIC ADMINISTRATION
FACULTY OF MANAGEMENT STUDIES
PRIVATE BAG X 54001
DURBAN
4000**

5 October 2007

Dear Sir/Madam

QUESTIONNAIRE: COMMUNITY STAKEHOLDERS

The researcher and the School of Public Administration at the University of KwaZulu-Natal invite you to participate in a study entitled **“New spaces for participation in South African local government”**.

The aim of the study is to examine the system of representative democracy, i.e. role of councillors and public participation in local government matters. The study is both theoretical and empirical, using the eThekweni Municipality as its case study. The findings of the study may contribute towards strengthening and deepening participation by local government, civil society and citizens.

Your participation means being interviewed by a trained research assistant. You are required to provide short answers to a structured questionnaire. The time required to complete the questionnaire will be approximately fifteen minutes. The research assistant will ensure that the interview is conducted at a place, time and manner suited to you.

The research procedures are overseen by the Research Ethics Committee of the University. You are assured that your participation in the research will be treated confidentially. Since your participation is voluntary, you may withdraw at any time without any obligation.

In order to indicate your consent, please sign and date the statement below.

If you have any further queries, you may contact the head of the School of Public Administration. UKZN:

Dr Pregala Pillay
Telephone: 021 260 7059
Email: pillaype@ukzn.ac.za

We thank you in advance for your valued contribution.

Yours sincerely

Student: JP Govender
Phone: 031 260 7744
Mobile: 083 491 7896
Email: govenderjp@ukzn.ac.za

Supervisor: Professor PS Reddy
Phone: 031 260 7578
Email: [reddyp1@ukzn.ac.za](mailto:redhyp1@ukzn.ac.za)

STATEMENT BY INTERVIEWEE

I (full name of interviewee) hereby confirm that I understand the nature of the study being undertaken and that I voluntarily agree to being interviewed.

I understand that I am at liberty to withdraw from the study at any time, should I so desire.

.....
Signature of interviewee

.....
Date

Please indicate your answer by marking a **tick (v)** in the appropriate box. Order of priority means ranking from highest priority to lowest priority.

SECTION 1: ORGANIZATIONAL INFORMATION

1. What is the name of your organization?

| |
|--------------|
| Name: |
|--------------|

2. For how long has your organization been in existence?

| | |
|--------------------|---|
| Less than 5 years | 1 |
| Less than 10 years | 2 |
| Less than 15 years | 3 |
| Less than 20 years | 4 |
| Less than 25 years | 5 |

3. What is your position in the organization?

| | |
|------------------------|---|
| Chairperson | 1 |
| Secretary | 2 |
| Treasurer | 3 |
| Executive Member | 4 |
| Other (Please specify) | 5 |

4. In which geographical area does your organization operate?

| | |
|--------------|--|
| Area: | |
|--------------|--|

5. What is the Ward Number in which your organization is located?

| | |
|---------------------|--|
| Ward Number: | |
|---------------------|--|

6. What are the issues promoted by your organization in order of priority?

| | | | | | | | | |
|-----------------------------------|---|---|---|---|---|---|---|---|
| Civic and ratepayer issues | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Social welfare of citizens | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Crime prevention, drugs and abuse | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Sports | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Youth | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Women | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Job creation | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| HIV/AIDS | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Other: (Please specify | | | | | | | | |

SECTION 2: PARTICIPATION IN LOCAL GOVERNANCE MATTERS

[Definition: **participation** means community or citizens’ participation in local government matters through municipal-community forums, public consultation meetings, or any form of engagement by civil society organizations with the municipality.]

7. Does your organization support participation in the eThekweni Municipality on local government matters at stated in local government legislation?

| | |
|-----------|---|
| Yes | 1 |
| No | 2 |
| Not sure | 3 |
| Comments: | |
| | |

8. Does your organization have a policy on participation in local government matters?

| | |
|----------|---|
| Yes | 1 |
| No | 2 |
| Not sure | 3 |

9. Which of the issues did your organization participate in **by order of priority**?

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Integrated development plans | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Local budgeting | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Local economic development | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Infrastructure development | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Community halls and sporting facilities | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Cultural and religious | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Health | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Other (Please specify) | | | | | | | |
| | | | | | | | |

10. If your organization participated in eThekweni Municipality on local government matters, did your participation have a positive outcome, i.e. did your organization’s participation change or improve decisions of the municipality?

| | |
|---------------------------------------|---|
| Positive outcome | 1 |
| Negative outcome | 2 |
| Neither positive nor negative outcome | 3 |
| Not sure | 4 |
| Comments: | |
| | |

11. If your organization participated in the eThekweni Municipality on local government matters, **how effective were the processes** for participation, i.e. were all relevant stakeholders invited; did your organization receive adequate information about its role in the participation process; etc.?

| | |
|--|---|
| Very effective | 1 |
| Effective | 2 |
| Not effective but could be effective in future | 3 |
| Not effective | 4 |
| Not sure | 5 |
| Comments: | |
| | |

12. Following from questions 10 and 11, please rate the **reasons for the success and effectiveness of participation in order of priority?**

| | | | | | |
|--|---|---|---|---|---|
| Our organization was given a full and fair hearing. | 1 | 2 | 3 | 4 | 5 |
| Our organization’s views were accepted as part of future plans. | 1 | 2 | 3 | 4 | 5 |
| The views of other organizations also impacted significantly on future plans. | 1 | 2 | 3 | 4 | 5 |
| Our organization was confident that it was playing a purposive role in local government matters. | 1 | 2 | 3 | 4 | 5 |
| Municipal officials and councillors were positively influenced by participants’ inputs | 1 | 2 | 3 | 4 | 5 |
| Other (Please specify) | | | | | |
| | | | | | |

13. If your organization does not support participation in eThekweni Municipality on local government matters, please rank its reasons by order of priority.

| | | | | |
|---|---|---|---|---|
| Our organization has participated in local government matters before, but has not been successful | 1 | 2 | 3 | 4 |
| Our organization would like to participate , but the eThekweni Municipality is not keen to engage with us | 1 | 2 | 3 | 4 |
| Our organization would not like to participate , as it feels that certain social movements are excluded from participating in important decisions such as housing and basic facilities | 1 | 2 | 3 | 4 |
| Our organization would not like to participate , as it feels that there are alternative ways to influence policies and decisions of the eThekweni Municipality | 1 | 2 | 3 | 4 |
| Our organization would not like to participate as participation happens only for election purposes | 1 | 2 | 3 | 4 |
| Other (Please specify) | | | | |
| | | | | |

SECTION 3: ROLE OF LOCAL GOVERNMENT COUNCILLORS

14. From your organization’s experience, does it support both **representative systems** and **participative methods**?

[Definition: **representative systems** means elected, proportional representative and multiple councillors in wards; and **participation methods** means municipal-public consultations, citizens forums, referenda, public meetings, etc.]

| | |
|---|---|
| Support both representative systems and participative methods | 1 |
| Does not support both representative systems and participative methods | 2 |
| Support both representative systems and participative methods but there is still a need for other democratic options | 3 |
| Not sure | 4 |
| Comments: | |
| | |

15. From your organization’s experience, please rank **councillors’ support for participation** in eThekweni Municipality on local government matters?

| | | | | |
|--|---|---|---|---|
| Councillors generally support participation in local government matters | 1 | 2 | 3 | 4 |
| Councillors are cautious about participation in local government matters | 1 | 2 | 3 | 4 |
| Councillors do not support participation in local government matters | 1 | 2 | 3 | 4 |
| It depends; ward and proportional representative councillors take differing positions about participation | 1 | 2 | 3 | 4 |
| Councillors support participation mainly for election purposes | 1 | 2 | 3 | 4 |
| Comments: | | | | |
| | | | | |

16. Does your organization support the election of both ward and proportional representative councillors?

| | |
|--|---|
| Yes, it supports both the election of ward and proportional representative councillors | 1 |
| No, it supports only the election of ward councillors | 2 |
| Not sure | 3 |
| Comments: | |
| | |

17. Following from question 16, does your organization support multiple councillors from different political parties being allocated to the same ward?

| | |
|-----------|---|
| Yes | 1 |
| No | 2 |
| Not sure | 3 |
| Comments: | |
| | |

18. Following from questions 16 and 17, rank the reasons in order of priority why your organization supports elected, proportional and multiple councillors in wards.

| | | | | | |
|--|---|---|---|---|---|
| My organization has no problem with elected, proportional representative and multiple councillors in wards | 1 | 2 | 3 | 4 | 5 |
| Elected, proportional representative and multiple councillors in wards benefits the democratic process | 1 | 2 | 3 | 4 | 5 |
| There is no unfair political advantage in having elected, proportional representative and multiple councillors in wards | 1 | 2 | 3 | 4 | 5 |
| Elected, proportional representative and multiple councillors work towards the advantage of the community | 1 | 2 | 3 | 4 | 5 |
| Not sure | 1 | 2 | 3 | 4 | 5 |
| Comments: | | | | | |
| | | | | | |

SECTION 4: JUDICIAL REVIEW PROCESS

[Definition: the **judicial review** process refers to powers given to courts to examine the actions of local government in terms of the Constitution and local government legislation. In other words, community organizations and citizens have the right to legally challenge an action of local government collectively or individually through the courts.]

19. Is your organization aware of the judicial review process in other countries, such as the United Kingdom, United States of America, and elsewhere?

| | |
|---|---|
| My organization is aware of the judicial review process in other countries | 1 |
| My organization is unaware of the judicial review process in other countries | 2 |
| Not sure | 3 |
| Comments: | |
| | |

20. If community organizations and citizens in South Africa were given the option of challenging the policies and decisions of municipalities through a judicial review process (i.e. taking municipalities to court), would your organization support such an option?

| | |
|---|---|
| Strongly support a judicial review process | 1 |
| Strongly object to a judicial review process | 2 |
| Not sure | 3 |
| Comments: | |
| | |

21. If your organization supports the judicial review process, please rank in order of priority how the system should be formalized?

| | | | | |
|---|---|---|---|---|
| Provide for the judicial review process in the Constitution of South Africa | 1 | 2 | 3 | 4 |
| Provide for the judicial review process in local government legislation | 1 | 2 | 3 | 4 |
| Provide for the judicial review process in both the Constitution of South Africa and in local government legislation | 1 | 2 | 3 | 4 |
| Allow municipalities to promulgate their own bylaws on the judicial review process | 1 | 2 | 3 | 4 |
| Comments: | | | | |
| | | | | |

Thank you for your valued participation.

6.6.5 Sampling

The study required the combined methods of cluster, multistage and non-probability sampling. A cluster can be viewed as a naturally occurring unit, (in this case all community stakeholders within a municipal area), where it is impossible to compile an exhaustive list of elements of the target population (Fink, 2003: 14; Babbie, 1999: 197). Multistage sampling is an extension of cluster sampling in which clusters are selected (in this case civics and ratepayer organisations in municipal area), and a sample is drawn from the cluster member by simple random sampling (Fink, 2003: 15). The non-probability approach was also taken (in this case) for reasons provided by Fink (2003: 16-17):

- firstly, the study was conducted among hard-to-identify groups such as social movements in the eThekweni Municipal Area;
- secondly, because the study was conducted among a specific group of organizations; and
- thirdly, because the study was of an exploratory nature.

In terms of the sample for municipal councillors in the study, therefore, both elected (E) and proportional representatives (PR) councillors were chosen from a list of two hundred members.

Care was taken for the sample to be representative of the one hundred wards in the eThekweni Municipal Area.

In terms of the sample for civics and ratepayer organizations, a cluster was constructed from the *NGOs Data Base for eThekweni Municipality: 2006-2007* (consisting of 433 members). The sample was identified and compared with a list of organisations (totaling 43) which are also members of the *eThekweni Civic Forum* (the latter is a recognized consultative partner in the eThekweni Municipality since 2006). Care was taken to ensure that the sample was representative of the one hundred wards of the eThekweni Municipality, and that they were representative of all previous spatial arrangements.

The sample size arrived at after the cluster sampling exercise included 18.5% for municipal councillors and 51% for civics and ratepayer organizations.

6.6.6 Data analysis and interpretation

The data was analyzed using the SPSS programme with the assistance of a qualified statistician. Descriptive and comparative analyses were employed.

The findings were presented in tabular and graphical formats. The tabular presentations include descriptions of profiles of the sample groups studied, frequency distributions, and ordered categories by rank. Where appropriate, bivariate comparisons were done in the case of elected (E) councillors and proportional representative (PR) councillors. Additionally, where possible, comparisons between councillor and community stakeholder findings were attempted.

Where appropriate, the analysis was related to three objects of the research, namely, to examine the relationship between representative and deliberative democracy; observe whether participatory policy coheres at the local sphere in South Africa; and evaluate the contrasting debate and approaches to effective participation with particular reference to new spaces for participation.

6.7 CONCLUSION

The structure of this study is understood as both exploratory and qualitative. Its exploratory nature is understood as attempting to gain a deeper understanding of participatory discourse in the South African context, given that forms of participative democracy are a recent development in governance. The study is also qualitative as it seeks to explain the role, motivations and rationale of specific actors, namely, municipal councillors and community stakeholders in participatory forms of local government decision-making.

The research problem was formulated to enable understanding of how participative praxis approaches can be realized in local spaces where democracy is deepened and citizens are empowered. The research problem is concerned with understanding the relationship and articulation of representative and deliberative democracy in practice. The research problem contained the following three sub-problems:

- the relationship and apparent tensions between representative and deliberative democratic methodologies in the local government sphere;
- the coherence of participation policy against the backdrop of representative and deliberative democratic practice in the local government sphere in South Africa; and
- the state of capacity of participants in the deliberative processes, and their willingness to exert pressure for new spaces for participation.

The study was considered significant for three reasons: firstly, the implementation of participation policies at the local government sphere is gaining momentum country-wide; secondly, policy makers are constantly required to review policy effectiveness; and thirdly, since the possibility exists for new spaces for participation through the judicial review process, this study will contribute authentically to citizens' capacity to challenge local government policies and decisions, thereby improving the effectiveness of participation.

By drawing from different lessons including democratic discourse, participatory practice and judicial review, the study may materially influence the debate, praxis and effectiveness of participatory practice on the ground.

CHAPTER 7

FINDINGS: REPRESENTATIVE AND DELIBERATIVE POLITICS AT THE ETHEKWINI MUNICIPALITY

7.1 INTRODUCTION

Chapter 7 sets out the findings of the research. Interviews were conducted with two sample groups, namely: municipal councillors and community stakeholders of the eThekweni Municipality. The municipal councillors' sample was drawn from the list of elected and proportional representative councilors. Community stakeholders consisted of a multi-stage random-based sample selection from two data bases, namely, the *NGOs data base for eThekweni Municipality: 2006 – 2007*, and the *eThekweni Civic Forum membership list*.

Two sets of questionnaires were administered to municipal councillors and community stakeholders by trained research assistants. The questionnaire for councillors distinguished between elected (E) councillors and proportional representative (PR) councillors.

The findings are presented in tabular and graphical formats. The tabular presentations include descriptions of profiles of the sample groups studied, frequency distributions, and ordered categories by rank. Descriptive and comparative analyses were employed. Where appropriate, differences between elected (E) councillors and proportional representative (PR) councillors are highlighted. Additionally, where possible, comparisons between councillor and community stakeholder findings were attempted.

Where appropriate, the analysis was related to three objects of the research, namely, to examine the relationship between representative and deliberative democracy, observe

if participatory policy coheres at the local sphere in South Africa, and evaluate the contrasting debate and approaches to effective participation with particular reference to new spaces for participation.

The chapter is sub-divided as follows: perceptions of councillors in the eThekweni Municipality; community stakeholders' perceptions of participation in the eThekweni Municipality; discussion of main findings; and conclusion.

7.2 COUNCILLORS PERCEPTIONS OF PARTICIPATION IN THE ETHEKWINI MUNICIPALITY

The first sample group to be analyzed below is municipal councillors of the eThekweni Municipality. The analysis proceeds according to the order of the questionnaire.

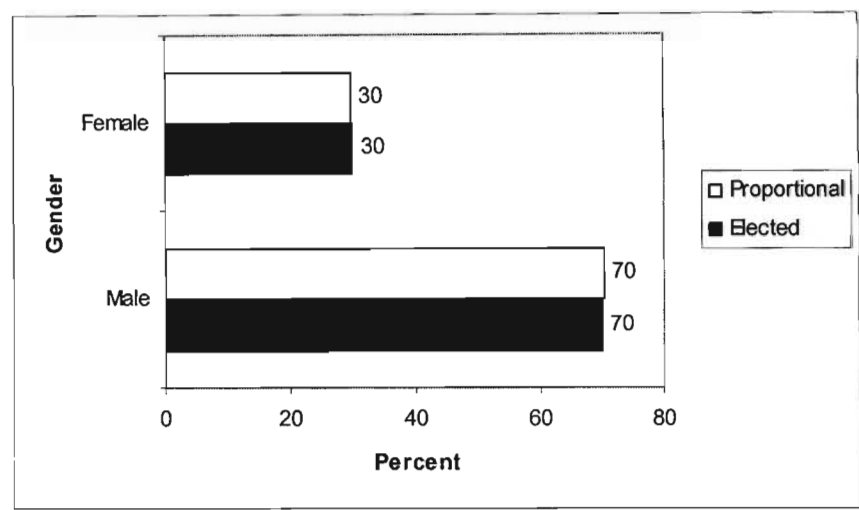
7.2.1 Distribution of councillors by gender

Graph 1 below shows that 70% of respondents were men and 30% were women.

In the 1999 general elections, 199 of 400 (29.8%) Members of Parliament were women. However, at the local level women appeared to be less well represented. In the local elections of 1995 and 1996, 19% of councillors elected were women (Ballington, 2001: 1). In 2000, women garnered 29.1% of seats nationally, and in the 2006 elections they increased their representation to 39.5% nationally (Mott Foundation, 2006: 1).

This finding is an indicator of progress towards calls for equitable (ideally 50/50) gender representation at local level.

Graph 1: Distribution of respondents by gender



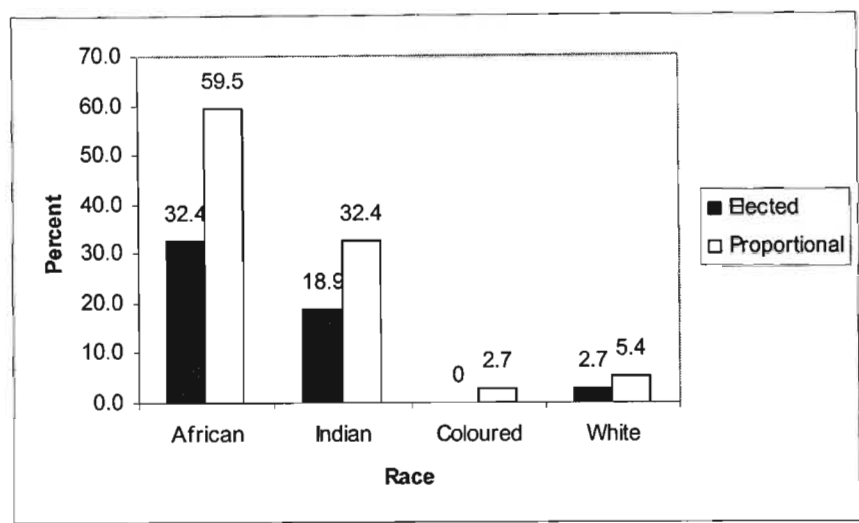
n = 37

7.2.2 Distribution of councillors by race

Graph 2 shows the distribution of elected and proportional councillors by race group. The sample contains greater representation of proportional representative councillors. However, elected and proportional representative councillors are equally represented in the eThekweni Municipality.

It is not expected that the difference in the sample will impact negatively on the overall interpretations and understanding of participation.

Graph 2: Distribution of councillors by race



7.2.3 Occupation of councillors

The overwhelming majority of respondents preferred not to indicate either their primary or secondary occupations. Only two councillors on the proportional list disclosed their occupation; one is a school teacher, and the other is self-employed.

This finding may mean that councillors are fearful or reluctant to reveal other sources of income despite being required to comply with government disclosure policies, codes of conduct and specific legislative provisions in all spheres of government.

7.2.4 Councillors' association with other community structures

Table 1 shows the association of councillors with other community structures. The largest majority of councillors, 48.6% and 45.9% of elected and proportional representatives respectively, were involved with civic and ratepayer structures. The second largest majority, 45.9% and 37.8% of elected and proportional representatives respectively, were involved with social welfare structures. The third largest majority,

19.2% and 28.1% of elected and proportional representatives respectively, were involved with HIV/AIDS structures.

The other significant involvements were 16.2% and 8.1% of elected and proportional representatives respectively were involved with women structures, and 10.8% and 2.7% of elected and proportional representatives respectively who were involved with sports structures.

The above findings are significant as they indicate the sectoral interests of councillors. This means that councillors are most involved with civic and ratepayer issues, followed by HIV/AIDS, women and sports. The involvement of councillors in HIV/AIDS and sports categories is unexplained, but of interest. Another category of interest is crime prevention, drugs, and abuse where rather small proportions of interests - 2.7% (elected councillors) and 8.1% (PR councillors) - were indicated. When compared to the large amount of attention these issues derive in the media and elsewhere, the expectation may be that there would be greater levels of participation in such structures. One explanation may be that participation in community policing fora might be considered sufficient.

Table 1: Councillors’ association with other community structures

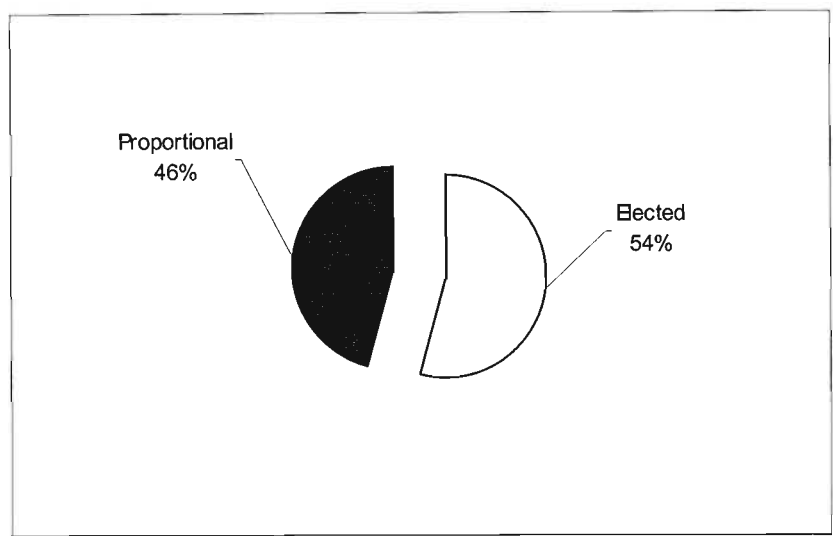
| Community structures | Elected | Proportional |
|-----------------------------------|---------|--------------|
| Civic and ratepayer | 48.6 | 45.9 |
| Social welfare | 45.9 | 37.8 |
| Crime prevention, drugs and abuse | 2.7 | 8.1 |
| Religion | 2.7 | 0 |
| Sports | 10.8 | 2.7 |
| Youth | 2.7 | 2.7 |
| Women | 16.2 | 8.1 |
| Job creation | 2.7 | 2.7 |
| HIV/AIDS | 19.2 | 28.1 |
| Other | 2.7 | 0 |

7.2.5 Distribution of councillor type

Graph 3 shows the sample interviewed to be 46% proportional representative councillors and 54% elected councillors. A total of 37 of 200 councillors were interviewed, representing a total sample size of 18.5%.

The perceptions of the two councillor categories are highlighted and compared where appropriate in the findings.

Graph 3: Distribution of councillor type



Elected councillors: n =20; Proportional representative councillors: n = 17.

7.2.6 Distribution of councillors by political affiliation

Table 2 shows the distribution of councillors by political party affiliation. The majority of councillors interviewed were affiliated to the African National Congress (ANC). Of this majority, 37.8% were elected and 29.7% were proportional representative councillors.

The sample included equal representation by the Inkhata Freedom Party and Minority Front. The Inkhata Freedom Party is considered to be the second largest political party

in the Province of KwaZulu-Natal with its majority membership consisting of IsiZulu speakers. The Minority Front is a smaller political party in the province with a predominately Indian membership. The table shows that the smaller political parties which have elected councillors do not have proportional representative councillors owing to their smaller voter base.

Table 2: Political affiliation of councillors

| Political Party | Elected | Proportional |
|---|---------|--------------|
| African Christian Democratic Party (ACDP) | 0 | 0 |
| African National Congress (ANC) | 37.8 | 29.7 |
| Democratic Alliance (DA) | 2.7 | 2.7 |
| Independent Democrats (ID) | 0 | 0 |
| Inkhata Freedom Party (IFP) | 5.4 | 5.4 |
| Minority Front (MF) | 8.1 | 2.7 |
| New National Party (NNP) | 0 | 0 |
| The Green Party (GP) | 0 | 0 |
| United Democratic Movement (UDM) | 0 | 0 |
| Independent Candidate | 0 | 0 |
| Azapo | 2.7 | 0 |
| Nadeco | 2.7 | 0 |
| Total | 59.5% | 40.5% |

7.2.7 Distribution of councillors by membership of previous political parties

Table 3 shows councillors’ membership of other political parties. A small proportion of 2.7% of only proportional representative councillors indicated previous membership to other political parties. This finding shows that there was minimal cross-over to political parties, as allowed by South African legislation.

Table 3: Confirmation of membership of other political parties

| Confirmation | Councillor | |
|--------------|------------|--------------|
| | Elected | Proportional |
| Yes | 0 | 2.7 |
| No | 54.1 | 43.2 |

7.2.8 Distribution of councillors by geographical areas

Table 4 shows the distribution of councillors by geographic area. The distribution of the sample spanned over all racial areas, with emphasis on former Africa and Indian areas. Former White areas such as Cato Ridge, Bluff, and Westville are also represented, although these areas show signs of racial integration over the years.

This representation is important for the findings of the research as well the eThekweni Municipality. The findings may be unique to the representative areas as well as showing issues unique to the said areas.

Table 4: Distribution of councillors by study locality

| Geographical Locality | Elected | Proportional |
|-----------------------|--------------|--------------|
| No Response | 2.7 | 5.4 |
| Amaouti | 0 | 2.7 |
| Amanzimtoti | 0 | 5.4 |
| Amouti | 2.7 | 0 |
| Bhambayi/Amouti | 2.7 | 0 |
| Bluff | 2.7 | 0 |
| Cato Manor | 0 | 2.7 |
| Cato Ridge | 2.7 | 0 |
| Chatsworth | 0 | 5.4 |
| Chesterville | 2.7 | 0 |
| eThekweni Region | 2.7 | 2.7 |
| Isipingo | 2.7 | 0 |
| Klaarwater | 2.7 | 0 |
| KwaMashu | 5.4 | 0 |
| Marianhill | 2.7 | 2.7 |
| Ntuzuma | 0 | 2.7 |
| Ottawa | 2.7 | 0 |
| Overport | 2.7 | 0 |
| Phoenix | 2.7 | 10.8 |
| Phoenix and Bhambayi | 0 | 2.7 |
| Silverglen Chatsworth | 0 | 2.7 |
| Tongaat | 2.7 | 0 |
| Umlazi | 5.4 | 0 |
| Westville | 5.4 | 0 |
| Total | 54.1% | 45.9% |

7.2.9 Distribution of councillors by ward numbers

Table 5 shows the distribution of elected and proportional representative councillors by ward numbers. The ward numbers will correlate to geographic areas indicated in 7.2.8 above. There was a large percentage of no response to ward numbers by proportional representative councillors.

Table 5: Distribution of councillors by ward numbers

| Ward Numbers | Elected | Proportional |
|--------------|---------|--------------|
| No Response | 5.4 | 29.7 |
| 15 | 2.7 | |
| 17 | 2.7 | 0 |
| 25 | 2.7 | 0 |
| 29 | 2.7 | 0 |
| 31 | 2.7 | 0 |
| 37 | 2.7 | 0 |
| 39 | 2.7 | 0 |
| 48 | 2.7 | 0 |
| 49 | 0 | 2.7 |
| 50 | 0 | 2.7 |
| 51 | 2.7 | 2.7 |
| 52 | 2.7 | 2.7 |
| 53 | 2.7 | 2.7 |
| 61 | 2.7 | 0 |
| 73 | 2.7 | 2.7 |
| 83 | 2.7 | 0 |
| 89 | 2.7 | 0 |
| 90 | 2.7 | 0 |
| 97 | 2.7 | 0 |
| Total | 54.1% | 45.9% |

7.2.10 Distribution of councillors by number of years of experience

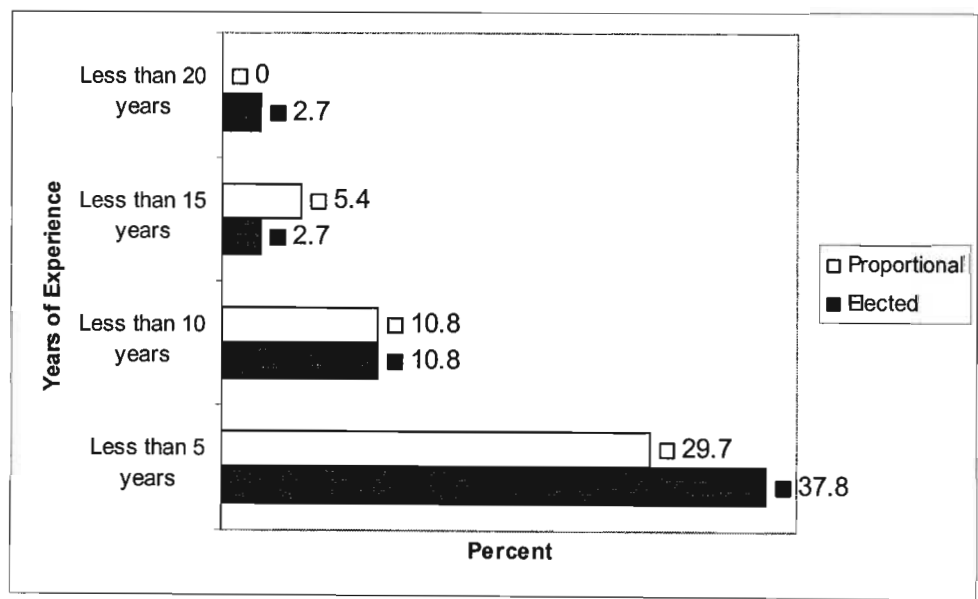
Graph 4 shows the distribution of councillors by numbers of years of experience. The largest majority fell in the less than five years category: 37.8% elected and 29.7% PR councillors (total councillors 67.5%). The second largest category fell in the less than ten

years category: 10.8% for both elected and PR councillors (total councillors 21.6%). Smaller proportions fell in the categories of less than fifteen years and less than twenty years respectively.

This finding may have implications for performance and effectiveness in the function of municipal councillor. This finding may be important also as an indicator for capacity building.

The finding is also a significant indicator of the willingness of less experienced members of communities vying for the position of municipal councillors as a step towards political careers.

Graph 4: Distribution of councillors by number of years of experience



7.2.11 Political party awareness of participation processes

Table 6 shows the extent of awareness of councillors of participation process at local government in general. The finding shows that the overwhelming majority, 97.3% of all

councillors, have been apprised of participation processes. The trend is almost similar for elected and proportional representative councillors who indicated in the affirmative.

A proportion of 2.7% of councillors from the proportional representative councillors’ category were not apprised of participative processes. This finding is important for political parties in general, and the eThekweni Municipality in particular, to note for capacity building and community development purposes.

Table 6: Extent to which political parties are aware of stakeholder participation processes

| Awareness | Councillor | | Total |
|-------------------|-------------|--------------|--------------|
| | Elected | Proportional | |
| Fully apprised | 54.1 | 43.2 | 97.3 |
| Somewhat apprised | 0 | 2.7 | 2.7 |
| Not apprised | 0 | 0 | 0 |
| Not sure | 0 | 0 | 0 |
| Total | 54.1 | 45.9 | 100.0 |

7.2.12 Views of political parties on participation

Table 7 shows the differing views of political parties on participation by rank order (where 1 represents the highest rank and 5 represents the lowest rank). The figures appearing in blocks reflect the total percentage of elected and proportional representative councillors which falls above the mean ($\bar{x} = 20$) and is used as an indicator above the mean but located within a certain rank level.

The findings show the following:

- In the first item, the combined majority, i.e. 43.3%, ranked participation as contained in local government legislation to be adequate in level 1. The total of

21.6% ranked participation as contained in local government legislation to be inadequate in level 5. (This does not mean that they do not support participation.)

- The finding with the second item shows a large proportion, a combined total of 60.5%, ranked participation as contained in local government legislation to be inadequate in levels 4 and 5. (This may mean that participation should be strengthened beyond existing legislation.)
- Regarding the third item, the views on whether participation is limited to consultation according to legislation is split by 27% (level 2) and 24.3% (level 4) respectively. (This may mean that councillors are divided more or less in the middle about their perception that participation is limited to consultation.)
- Item four shows that a combined total of 35.1% (level 2) of elected and proportional representative councillors believe that participation may be considered co-option. (This is a strong perception that participation contains the threat of co-opting stakeholders.)
- Item five shows that there is a split view, 27% (level 2) and 21.7% (level 4), that participation interferes with the role of ward committees and councillors as contained in local government legislation.

In summary, the above findings mean that there is overwhelming support for participation, but there are differences of perspectives with regard to interpretation, perceived effectiveness, and cross-cutting participative roles of ward committees and councillors.

Table 7: Rank order of views of political parties in respect of participation

| Views of political parties | Councillor | Rank order | | | | | |
|---|------------|------------|------|------|------|------|-------|
| | | 1 | 2 | 3 | 4 | 5 | Total |
| Participation as stated in local government legislation is adequate | E | 13.5 | 21.6 | 8.1 | 2.7 | 8.1 | 100 |
| | P | 0 | 21.7 | 8.1 | 2.7 | 13.5 | |
| Participation as stated in local government legislation is inadequate | E | 13.5 | 5.4 | 5.4 | 18.3 | 9.8 | 100 |
| | P | 2.7 | 9.8 | 2.7 | 13.5 | 18.9 | |
| Participation as stated in local government legislation is only about consultation | E | 10.8 | 18.9 | 10.8 | 8.1 | 5.4 | 100 |
| | P | 2.7 | 8.1 | 13.6 | 16.2 | 5.4 | |
| Participation as stated in local government legislation is co-option in practice | E | 8.1 | 16.2 | 8.1 | 10.8 | 10.8 | 100 |
| | P | 5.4 | 18.9 | 16.3 | 5.4 | 0 | |
| Participation as stated in local government legislation interferes with ward committees and councillors | E | 13.5 | 13.5 | 10.8 | 5.4 | 10.8 | 100 |
| | P | 5.4 | 13.5 | 2.7 | 16.3 | 8.1 | |

1 = highest to 5 = lowest; \bar{x} = 20; Σ = total above \bar{x} ; E = Elected councillor; P = Proportional representative councillor.

7.2.13 Political party monitoring of community stakeholders’ participation

Table 8 shows that the overwhelming majority, a total of 97.3% of all councillors, have monitored participation or have knowledge of participation by community stakeholders. More elected councillors (54.1%) were aware of community stakeholder participation than proportional representative councillors (43.2%).

This finding is important for the overall research as it indicates that participation is a confirmed subject for the majority of councillors. This finding is also related to other findings of the research which flow in the direction of general support for participation processes.

Table 8: Confirmation of monitoring of community stakeholders' participation

| Confirmation of participation | Councillor | | Total |
|-------------------------------|-------------|--------------|------------|
| | Elected | Proportional | |
| Yes | 54.1 | 43.2 | 97.3 |
| No | 0 | 2.7 | 2.7 |
| Not sure | 0 | 0 | 0 |
| Total | 54.1 | 45.9 | 100 |

7.2.14 Political party's participation in order of priority

Table 9 shows the differing views of political parties on consultation regarding IDPs; municipal budget; LED; superstructure and development; infrastructure including electricity, water and sewerage; sports and community facilities; housing; and health by rank order (where 1 represents the highest rank and 8 represents the lowest rank). The figures appearing in blocks reflect the total percentage of elected and proportional representative councillors that falls above the mean ($\bar{x} = 12.5$) and is used as an indicator above the mean but located within a certain rank level. (Due to some no responses, the mean of 12.5 may not apply throughout the analysis.)

The findings show the following:

- The high prevalence of no response does not allow for an analysis of the first item.
- While the rankings are split in item two, the majority of councillors, a total of 18, 9% (level 1) and 51.3% (level 2), highly ranked their political party's participation in the municipal budget process. A total of 25.7% of councillors ranked their participation in the municipal budget at level 8.
- In item three, the ranking of participation LED projects ranged from level 2 (21.6%) and level 3 (21.6%) to level 5 (16.2%). This means that a greater degree of importance was attached to participation in LED by councillors.

- Item four shows higher rankings of participation in superstructure projects. Participation in superstructure projects was ranked in level 1 (21.6%), level 2 (18.9%), level 3 (29.7%) and level 5 (13.5%).
- Item five also shows higher rankings of participation in infrastructure, including electricity, water, sewerage and roads in level 1 (35.1%), level 2 (29.7%), and level 3 (16.2%).
- Item six also shows higher rankings of participation in sport, cultural and community facilities in level 1 (13.5%), level 2 (32.4%), level 3 (24.3%), and level 5 (16.2%).
- Item seven, housing, shows only two levels of ranking above the mean in level 1 (37.8%) and level 2 (27%).
- Item eight, health was ranked level 1 (32.4%) and level 2 (35.1%).

In summary, the above findings show that councillors have attached high degrees of importance to participative issues, including municipal budget; LED; superstructure; infrastructure; sports and community facilities; housing and health – essentially all the basic necessities for well-being. (The reason for no responses to the IDP item is not clear, but it is possible that councillors may not be altogether comfortable with the IDP processes which may be perceived as technical and specialist processes.)

Table 9: Rank order of priority issues dealt with by political parties

| Issues | Councillor | Rank Order | | | | | | | | Total * |
|--|------------|------------|------|------|-----|------|-----|-----|------|------------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| Integrated development plans (IDPs) | E | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 2.7 | |
| | P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5.9 | |
| Municipal budget process | E | 10.8 | 27.0 | 6 | 4 | 5 | 2.7 | 5.4 | 8.1 | |
| | P | 8.1 | 24.3 | 0 | 0 | 0 | 5.9 | 2.7 | 17.6 | |
| Local economic development projects | E | 8.1 | 18.9 | 10.8 | 0 | 5.4 | 5.4 | 2.7 | 0 | |
| | P | 2.7 | 2.7 | 10.8 | 0 | 10.8 | 5.4 | 2.7 | 5.4 | |
| Major superstructure projects, such as conference facilities | E | 13.5 | 8.1 | 18.9 | 2.7 | 5.4 | 2.7 | 0 | 2.7 | |
| | P | 8.1 | 10.8 | 10.8 | 2.7 | 8.1 | 0 | 2.7 | 2.7 | |
| Provision of infrastructure, such as electricity, water, sewerage and roads in communities | E | 18.9 | 16.2 | 8.1 | 2.7 | 2.7 | 0 | 5.4 | 0 | |
| | P | 16.2 | 13.5 | 8.1 | 2.7 | 0 | 5.4 | 0 | 0 | |
| Sporting, cultural and community facilities | E | 8.1 | 16.2 | 18.9 | 2.7 | 5.4 | 0 | 2.7 | 0 | |
| | P | 5.4 | 16.2 | 5.4 | 2.7 | 10.8 | 0 | 2.7 | 0 | |
| Housing | E | 18.9 | 18.9 | 0 | 5.4 | 5.4 | 2.7 | 0 | 0 | |
| | P | 18.9 | 8.1 | 5.4 | 5.4 | 5.4 | 0 | 2.7 | 0 | |
| Health | E | 16.2 | 21.6 | 2.7 | 2.7 | 0 | 2.7 | 2.7 | 0 | |
| | P | 16.2 | 13.5 | 5.4 | 0 | 5.9 | 0 | 0 | 0 | |

1 = highest to 8 = lowest; \bar{x} = 12.5 (Due to some no responses, the mean of 12.5 will not apply to all items); Σ = total above \bar{x} ; E = Elected councillor; P = Proportional representative councillor; * Totals do not tally owing to no response.

7.2.15 Assessment of impact of participation

The item evaluates the impact of participation in IDPs; municipal budget; LED; superstructure and development; infrastructure including electricity, water and sewerage; sports and community facilities; housing; and health, by ranking according to positive and negative impact. The findings show the differing perceptions of elected and proportional representative councillors. Below are the findings according to all councillors:

- An overwhelming majority of a total of 95.6% of councillors viewed participation in IDPs as having a positive impact. Only 5.4% of councillors viewed participation as having a negative impact.
- A divided majority of 54.1% of councillors viewed participation in the municipal budget as having a positive impact; 45.9% viewed participation in the municipal budget as having a negative impact.
- An overwhelming majority of a total of 84.3% of all councillors viewed participation in LED as having a positive impact. A minority of 13% viewed participation in LED as having a negative impact; 2.7% indicated neither a positive nor negative impact.
- A large majority of 64.9% of all councillors viewed participation in major superstructure projects as having a positive impact. A minority of 35.1% viewed participation in major superstructure projects as negative.
- A large majority of 64.9% of all councillors viewed participation in major infrastructure projects as having a positive impact. A minority of 35.1% viewed participation in major infrastructure projects as negative.
- An overwhelming majority of 75.7% of all councillors viewed participation in sports, cultural and community facilities projects as having a positive impact. A minority of 24.3% viewed participation in sports, cultural and community facilities projects as negative.

- An overwhelming majority of 78.4% of all councillors viewed participation in housing as having a positive impact. A minority of 21.6% viewed participation in housing as negative.
- A large majority of 67.6% of all councillors viewed participation in health as having a positive impact. A minority of 32.4% viewed participation in health as negative.

In summary, the findings show overwhelmingly positive impacts of participative initiatives in local government matters including IDPs; municipal budget; LED; superstructure and development; infrastructure including electricity, water and sewerage; sports and community facilities; housing; and health.

The research is unable to explain indications of negative impacts as no qualitative information was provided by respondents.

Table 10: Rank order of impact of participation on different local government matters

| Issue | Councillor | Positive impact | Negative impact | Neither positive nor negative impact | Not sure | Total |
|--|------------|-----------------|-----------------|--------------------------------------|----------|-------|
| Integrated development plans (IDP) | E | 51.4 | 2.7 | 0 | 0 | 100 |
| | P | 43.2 | 2.7 | 0 | 0 | |
| Municipal budget process | E | 32.4 | 32.4 | 0 | 0 | 100 |
| | P | 21.7 | 13.5 | 0 | 0 | |
| Local economic development projects | E | 47.6 | 6.5 | 0 | 0 | 100 |
| | P | 36.7 | 6.5 | 2.7 | 0 | |
| Major superstructure projects, such as conference facilities | E | 32.4 | 21.6 | 0 | 0 | 100 |
| | P | 32.5 | 13.5 | 0 | 0 | |
| Provision of infrastructure, such as electricity, water, sewerage and roads in communities | E | 40.5 | 13.5 | 0 | 0 | 100 |
| | P | 24.4 | 21.6 | 0 | 0 | |
| Sporting, cultural and community facilities | E | 43.2 | 10.8 | 0 | 0 | 100 |
| | P | 32.5 | 13.5 | 0 | 0 | |
| Housing | E | 45.6 | 10.8 | 0 | 0 | 100 |
| | P | 32.8 | 10.8 | 0 | 0 | |
| Health | E | 37.8 | 16.2 | 0 | 0 | 100 |
| | P | 29.8 | 16.2 | 0 | 0 | |

E = Elected councillor; P = Proportional representative councillor.

7.2.16 Political support for participation at local level

Table 11 shows the differing views of elected and proportional representative councillors on political support for participation (of community stakeholders) at the local level.

The findings, expressed as the total above the mean, for both elected and proportional representative councillors, include:

- In item one, a proportion of 45.9% councillors supported participation in local government matters in level 2 of 4. However, the combined support for participation in levels 1 and 2 is 62.1%.
- In item two, councillors were divided in their views about being cautious of participation in level 1 (29.7%), level 2 (37.8%), and level 3 (27%).
- In item three, councillors were also divided about not supporting participation in level 1 (18.9%), level 2 (32.4%), and level 3 (27%). The combined non-support for participation was 78.3% in the three levels (1, 2 and 3).
- In item four, councillors shared their views about elected and PR councillors holding differing positions about participation in level 1 (32.4%) and level 2 (43.2%).

In summary, councillors indicated contradictory support for participation: 62.1% of the combined elected and proportional representative councillors supported participation of community stakeholders in local government matters. This support was mainly indicated in level 2. 78.3% of councillors also did not support participation in differing levels. There was strong indication of a cautious approach to participation. Councillors also believed that elected and proportional representative councillors adopted differing approaches to participation.

Table 11: Political support for participation at local government level

| Nature of political support | Councillor | Rank Order | | | | |
|---|------------|------------|------|------|---|---------|
| | | 1 | 2 | 3 | 4 | Total * |
| Councillors generally support participation in local government matters | E | 13.5 | 29.7 | 10.8 | 0 | |
| | P | 2.7 | 16.2 | 8.1 | 0 | |
| Councillors are cautious about participation in local government matters | E | 21.6 | 10.8 | 16.2 | 0 | |
| | P | 8.1 | 27.0 | 10.8 | 0 | |
| Councillors do not support participation in local government matters | E | 8.1 | 24.3 | 10.8 | 0 | |
| | P | 10.8 | 8.1 | 16.2 | 0 | |
| It depends, different ward and proportional representative councillors take differing positions about participation | E | 16.2 | 27.0 | 8.1 | 0 | |
| | P | 16.2 | 16.2 | 8.1 | 0 | |

1 = highest to 4 = lowest; \bar{x} = 25; Σ = total above \bar{x} ; E = Elected councillor; P = Proportional representative councillor; * Totals do not tally owing to no responses.

7.2.17 Assessment of effectiveness of councillors in fulfilling their roles

Councillors were asked to evaluate themselves regarding their effectiveness/ineffectiveness according to political, social, economic, and service provider roles. Table 12 shows the differing views of elected and proportional representative councillors.

The findings of all councillors include:

- An overwhelming majority, 86.5%, believe that councillors are effective in their political roles, i.e. representing and serving the interests of their constituencies.
- A majority of 86.5% believe that councillors are effective in their economic roles, i.e. alleviating poverty and ill-health.

- A majority of 98.2% believe that councillors are effective in their service provider role, i.e. creating jobs and promoting local investment.

In summary, the overwhelming majority of councillors indicate that they are effective at their political, social, economic, and service provider roles. However, owing to lack of qualitative evidence, the self-evaluation approach regarding effectiveness is not supported.

Table 12: Effectiveness with which councillors fulfill their political roles

| Role | Councillor | Effective | Ineffective | Neither effective nor ineffective | Not sure | Total |
|--|------------|-----------|-------------|-----------------------------------|----------|-------|
| Political role, i.e. represents and serves the interests of the constituency | E | 46 | 8.1 | 0 | 0 | 100 |
| | P | 40.5 | 5.4 | 0 | 0 | |
| Social welfare role, i.e. alleviates poverty & ill-health | E | 48.7 | 5.4 | 0 | 0 | 100 |
| | P | 37.8 | 8.1 | 0 | 0 | |
| Economic role, i.e. creates jobs & promotes local investment | E | 51.4 | 2.7 | 0 | 0 | 100 |
| | P | 37.8 | 8.1 | 0 | 0 | |
| Service provider role, i.e. housing, water & electricity | E | 46 | 8.1 | 0 | 0 | 100 |
| | P | 40.5 | 5.4 | 0 | 0 | |

E = Elected councillor

P = Proportional representative councillor

7.2.18 Councillors’ support for representative and participative systems

Table 13 shows the differing support for parallel representative and participative systems of local government by elected and proportional representative councillors.

The findings show that 100% of all councillors support both the representative and participative systems in local government.

Table 13: Support for both representative and participative systems

| Representative and Participative Systems of Local Government | Councillor | |
|--|------------|--------------|
| | Elected | Proportional |
| Support both representative systems and participative methods | 54.1 | 45.9 |
| Does not support both representative systems and participative methods | 0 | 0 |
| Support both representative systems and participative methods but there is still a need for other democratic options | 0 | 0 |
| Not sure | 0 | 0 |

7.2.19 Political party support for both elected and proportional representative councillors

Councillors were tested for their political party’s support of combined elected and PR systems in local government. Table 14 shows political party support for the election of both ward and proportional representative councillors.

The findings show that 100% of the councillors believe that their political parties support the election of both ward and proportional representative councillors.

Table 14: Support by political party for the election of both ward and proportional representative councillors

| Support for the election of ward and proportional representative councillors | Councillor | |
|--|------------|--------------|
| | Elected | Proportional |
| Yes, it supports both the election of ward and proportional representative councillors | 54.1 | 45.9 |
| No, it supports only the election of ward councillors | 0 | 0 |
| Not sure | 0 | 0 |

7.2.20 Support by political party for multiple councillors

Councillors were tested for their political party’s support of multiple councillors in wards. Table 15 shows 100% support for multiple councillors in wards.

Table 15: Support by political party for multiple councillors

| Support for Multiple Councillors | Elected | Proportional |
|----------------------------------|---------|--------------|
| Yes | 51.4 | 45.9 |
| No | 2.7 | 0 |
| Not sure | 0 | 0 |

7.2.21 Reasons for political party support for multiple councillors

Table 16 shows the political party’s differing levels of support above the mean of 20 for elected and proportional representative councillors according to different circumstances.

The findings include:

- A proportion of 40.5% of all councillors supported elected, PR, and multiple ward councillors in wards in level 2.

- The proportion of councillors supporting the view that elected, proportional representative and multiple councillors in wards benefits the democratic process was divided in level 2 (29.7%) and level 3 (29.7%).
- The proportion of councillors supporting the view that there is no unfair political advantage by having elected, proportional representative and multiple councillors in wards was divided in level 2 (37.8%) and level 3 (24.3%).
- The proportion of councillors supporting the view that elected, proportional representative and multiple councillors work towards the advantage of the community was divided in level 1 (24.3%) and level 2 (37.9%).

In summary, councillors ranked highly and supported parallel elected and PR councillors, as well as multiple ward councillors in wards; believed that multiple councillors benefits the community; felt that there was no unfair political advantage in the multiple councillor system; and believed that the multiple councillor system worked to the advantage of communities.

Table 16: Rank order of reasons for political party support for elected, proportional and multiple councillors in wards

| Reasons for political party's support | Councillor | Rank Order | | | | | Total |
|---|------------|------------|------|------|------|------|-------|
| | | 1 | 2 | 3 | 4 | 5 | |
| My organization has no problem with elected, proportional representative and multiple councillors in wards | E | 10.8 | 24.3 | 10.8 | 2.7 | 5.4 | 100 |
| | P | 8.2 | 16.2 | 2.7 | 5.4 | 13.5 | |
| Elected, proportional representative and multiple councillors in wards benefits the democratic process | E | 13.5 | 10.8 | 18.9 | 5.4 | 10.4 | 100 |
| | P | 2.7 | 18.9 | 10.8 | 2.7 | 5.9 | |
| There is no unfair political advantage by having elected, proportional representative and multiple councillors in wards | E | 10.8 | 21.6 | 10.8 | 8.2 | 2.7 | 100 |
| | P | 2.7 | 16.2 | 13.5 | 10.8 | 2.7 | |
| Elected, proportional representative and multiple councillors work towards the advantage of the community | E | 13.5 | 16.2 | 8.1 | 5.4 | 10.8 | 100 |
| | P | 10.8 | 21.7 | 8.1 | 2.7 | 2.7 | |
| Not sure | E | 0 | 0 | 0 | 0 | 0 | 0 |
| | P | 0 | 0 | 0 | 0 | 0 | |

1 = highest to 5 = lowest; \bar{x} = 20; Σ = total above \bar{x} ; E = Elected councillor; P = Proportional representative councillor.

7.2.22 Political party awareness of judicial review processes in other countries

Councillors were tested about their political party's awareness of judicial review processes in other countries.

The finding shows 97.3% awareness of judicial processes in other countries. This finding supports the finding in 7.2.11 above which indicates that the majority of councillors were appraised of policies on participation.

Table 17: Political party awareness of judicial review processes in other countries

| | Councillor | |
|---|------------|--------------|
| | Elected | Proportional |
| My political party is aware of the judicial review process in other countries | 54.1 | 43.2 |
| My political party is not aware of the judicial review process in other countries | 0 | 0 |
| Not sure | 0 | 2.7 |

7.2.23 Political party support for judicial review process

Councillors were tested about their political party's support for judicial review processes being implemented in South African local government.

The finding shows that 97.3% of councillors support the implementation of judicial processes in South African local government.

Table 18: Support by political parties for judicial review process

| Nature of political support | Councillor | |
|--|------------|--------------|
| | Elected | Proportional |
| Support the judicial review process | 51.4 | 45.9 |
| Neither support nor reject the judicial review process | 2.7 | 0 |
| Reject a judicial review process | 0 | 0 |

7.2.24 Indication of how judicial process should be formalised

Table 19 shows the differing views of elected and proportional representative councillors (above the mean of 25) on the most appropriate instruments to employ for the provision of the judicial review process in South Africa. The instruments and options

include the Constitution of South Africa; local government legislation; both the Constitution of South Africa and local government legislation; and bylaws to be passed by municipalities. The key distinction being tested is whether the judicial review process should be centrally provided for in the Constitution and local government legislation or by decentralized bylaws passed by municipalities (considering that municipalities are independent spheres of government).

The findings include:

- A total of 46% of all councillors support the provision of the judicial review process in the Constitution of South Africa in level 2.
- Councillors were divided on the provision of the judicial review process to be provided in local government legislation in level 2 (40.6%) and level 3 (37.8%). However, the accumulated support for this type of provision was 78.4%.
- Councillors strongly supported the provision of the judicial review process in both the Constitution of South Africa and in local government legislation in level 1 (37.9%).
- Councillors divided their support for the provision of the judicial review process in municipal bylaws in level 1 (40.5%) and level 2 (37.9%). However, the accumulated support for this type of provision was 78.4%.

In summary, councillors supported the formal provision of the judicial process but were divided in terms of which of the available instruments to employ. Councillors, however, contradicted themselves when they divided their support for the combined approach of the Constitution of South Africa as well as local government legislation (78.4%), on the one hand, and municipal bylaws (78.4%), on the other hand.

Table 19: Rank order of how the judicial review process should be formalized

| Ways of formalizing the judicial review process | Councillor | Rank Order | | | | |
|--|------------|------------|------|------|------|-------|
| | | 1 | 2 | 3 | 4 | Total |
| Provide for the judicial review process in the Constitution of South Africa | E | 13.5 | 29.7 | 8.1 | 2.7 | 100 |
| | P | 10.8 | 16.3 | 8.1 | 10.8 | |
| Provide for the judicial review process in local government legislation | E | 8.1 | 29.8 | 10.8 | 2.7 | 100 |
| | P | 2.7 | 10.8 | 27.0 | 8.1 | |
| Provide for the judicial review process in both the Constitution of South Africa and in local government legislation | E | 21.6 | 13.5 | 10.8 | 8.1 | 100 |
| | P | 16.3 | 8.1 | 12.9 | 8.7 | |
| Allow municipalities to promulgate their own bylaws on the judicial review process | E | 21.6 | 21.6 | 8.1 | 2.7 | 100 |
| | P | 18.9 | 16.3 | 5.4 | 5.4 | |

1 = highest to 4 = lowest; \bar{x} = 25; Σ = total above \bar{x} ; E = Elected councillor; P = Proportional representative councillor.

7.3 COMMUNITY STAKEHOLDERS’ PERCEPTION OF PARTICIPATION IN THE ETHEKWINI MUNICIPALITY

The second sample group to be analyzed below is community stakeholders consisting of civic and ratepayer organizations. The analysis proceeds according to the order of the questionnaire.

7.3.1 Community stakeholders interviewed

Table 20 below lists the names of organizations falling into the sample group. The distribution of organizations in relation to wards listed in Table 21 appears representative of the organizations that participated in the consultation process of the eThekwini Municipality.

Table 20: List of civic and ratepayer organizations interviewed

| |
|--|
| Asherville Ratepayers Association |
| Bayview Flats Association |
| Berster/Newtown Civic |
| Bester Civic Association |
| Effingham Heights Civic |
| eThekwini Civic Forum |
| Kenville & SeaCowLake Ratepayers Assoc |
| Lamontville Civic |
| Mobeni Heights |
| Newlands East |
| Phoenix Body Corporate Association |
| Phoenix Working Committee |
| PICO |
| Redberry Park Body Corporate |
| Sivayanum Sabay |
| Springfield Youth Movement |
| Stangrove Development Forum |
| Umlazi Civic Association |
| Verulam Civic Association |
| W53 Development Forum |
| Wentworth |
| Woodview Ratepayers Association |
| Total = 22 |

7.3.2 Historical existence of community stakeholders

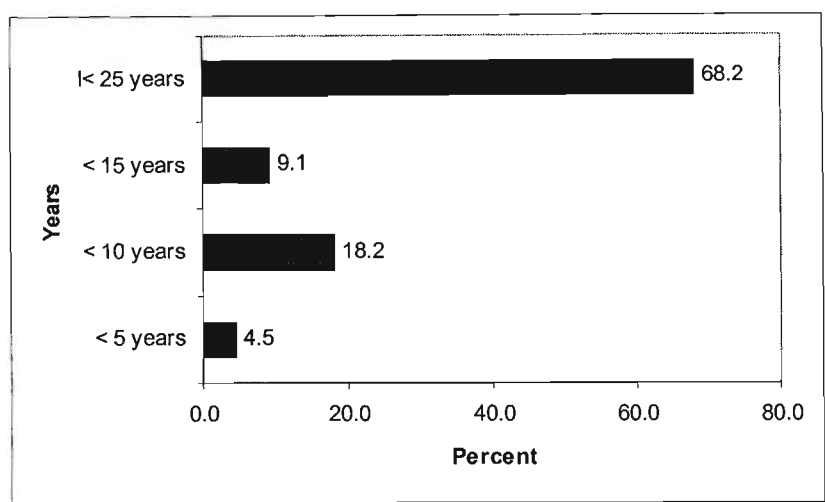
Graph 5 below shows that 68.2% of community stakeholders interviewed have been in existence for twenty-five years and over. This is a significant factor and strength in the research, indicating extensive local governance experience in two distinct periods, namely, the apartheid and post-apartheid periods.

The length of existence of the community stakeholders also indicates their commitment to represent local communities.

However, when compared to the experience of municipal councillors in 7.2.10 (Graph 10) where the majority of councillors (67.5%) had less than five years' experience, it can be seen that community stakeholders (68.2%) have twenty-five years and over experience. This finding has implications for the quality of contributions to civic life resulting from different periods of existence.

The further significant feature of the finding is the growth of community structures in the last ten (18.2%) and five (4.5%) years respectively. This means that communities continue to find the need for representative structures despite the transformed political arrangements in the local sphere.

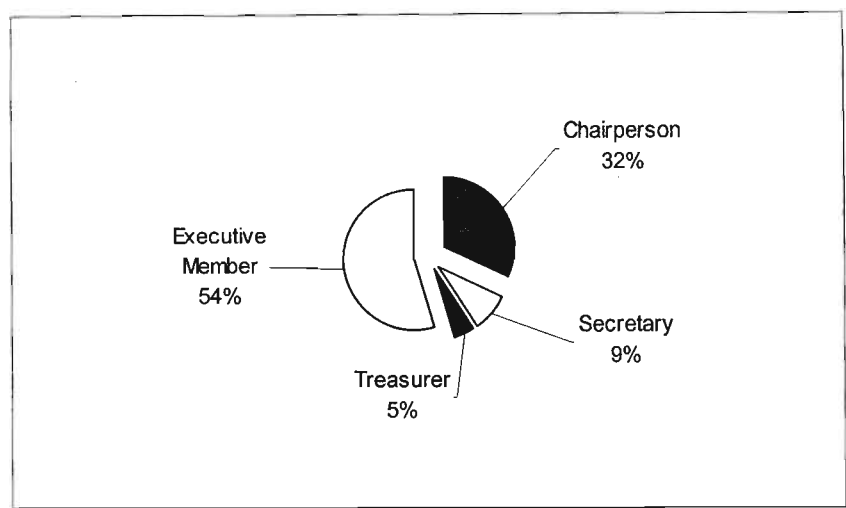
Graph 5: Number of years the organization has been in existence



7.3.3 Status of respondents of community stakeholders

Graph 6 below shows the participation of the leading members of the community stakeholders in the research. The majority of the respondents/interviewees were members of the Executive (54%), followed by chairpersons (32%). The participation of the key members of community stakeholders serves important advantages, including continuity, corporate memory, and first-hand experience of activities. These factors lend authenticity to the information provided in the research.

Graph 6: Status of respondents in the organization



7.3.4 Distribution of community stakeholders by municipal wards

Table 21 below shows the distribution of the sample across wards and the research’s representativity of the research across the eThekweni Municipal Area. It can be seen that the multi-stage sampling method resulted in a fairly representative sample of community stakeholders who appeared across the one hundred wards of the eThekweni Municipality.

The spread of representation is also indicative of the prevalence of community activity across the eThekweni Municipal Area, including all the former suburbs, social housing projects, and townships.

Table 21: Distribution of civic organizations by ward

| Ward number | Frequency | Percent |
|--------------------|-----------|------------|
| No ward numbers | 4 | 18.2 |
| 1 | 1 | 4.5 |
| 11 | 1 | 4.5 |
| 24 | 1 | 4.5 |
| 25 | 3 | 13.6 |
| 34 | 1 | 4.5 |
| 48 | 1 | 4.5 |
| 48/49/50/51/52 | 2 | 9.1 |
| 50 | 1 | 4.5 |
| 53 | 1 | 4.5 |
| 54 | 2 | 9.1 |
| 59 | 1 | 4.5 |
| 66 | 1 | 4.5 |
| 73 | 1 | 4.5 |
| eThekwinini Region | 1 | 4.5 |
| Total | 22 | 100 |

7.3.5 Issues promoted by stakeholders

Table 22 below shows distribution of priority issues above the mean of 12.5, by stakeholders, by rank order.

The findings include:

- 86.4% of respondents indicated their involvement in civic and ratepayer issues in level 1;
- 13.6% of respondents indicated their involvement in each category i.e. crime prevention; sports; youth; women; and job creation in level 3; and
- 13.6% of respondents indicated their involvement in HIV/AIDS in level 1.

In summary, the trend among community stakeholders shows most involvement in civic and ratepayer issues, followed by socio-economic issues including unemployment and job creation; crime prevention; sports; youth; women; and HIV/AIDS.

Table 22: Rank order of priority issues promoted by organizations

| Priority Issues | Rank Order | | | | | | | |
|-----------------------------------|------------|---|------|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Civic and ratepayer issues | 86.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Social welfare of citizens | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crime prevention, drugs and abuse | 0 | 0 | 13.6 | 0 | 0 | 0 | 0 | 0 |
| Sports | 0 | 0 | 13.6 | 0 | 0 | 0 | 0 | 0 |
| Youth | 0 | 0 | 13.6 | 0 | 0 | 0 | 0 | 0 |
| Women | 0 | 0 | 18.2 | 0 | 0 | 0 | 0 | 0 |
| Job creation | 0 | 0 | 13.6 | 0 | 0 | 0 | 0 | 0 |
| HIV/AIDS | 13.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

1 = highest to 8 = lowest; n=22; \bar{x} = 12.5; σ = percentage above \bar{x}

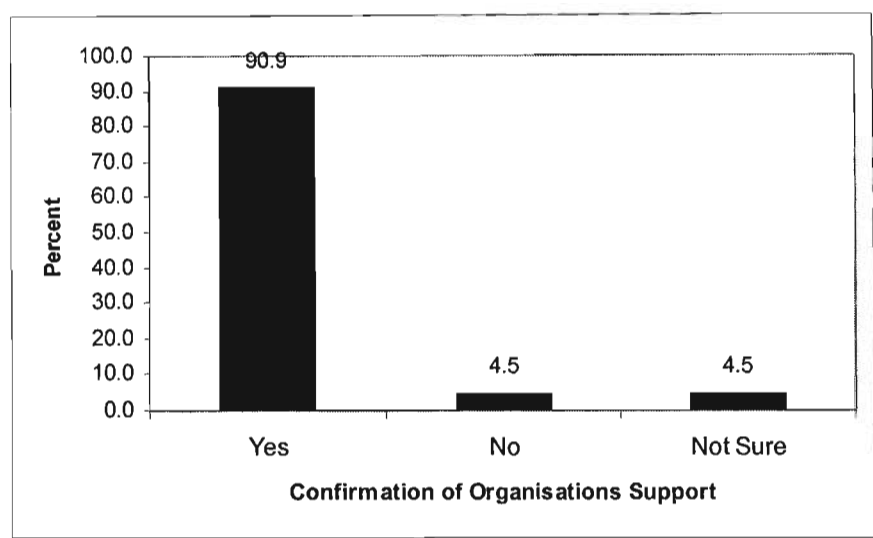
7.3.6 Community stakeholder support for participation in the eThekwini Municipality

Graph 7 below shows that a majority of 91% of respondents support participation in local government matters. This finding is significant for both policy-makers and the eThekwini Municipality. The seemingly insignificant proportion of 4.5% of respondents did not support participation and may be related to the similar response in 7.3.10 below of these who indicated that they did not find participation to be effective.

With regard to the further 4.5% of respondents who indicated that they were not sure whether to support participation or not, while their motivation(s) may not be immediately evident, their response is consistent with 7.3.7 below where 5% were not sure whether their organizations had a policy on participation.

The finding is important for both policy-makers and the eThekwini Municipality. For policy-makers, the finding indicates that participatory approaches have the support of the community stakeholders. For the eThekwini Municipality, the finding is important for strategic planning and compliance with participatory imperatives demanded by local government legislation.

Graph 7: Organization’s support for participation in local government matters



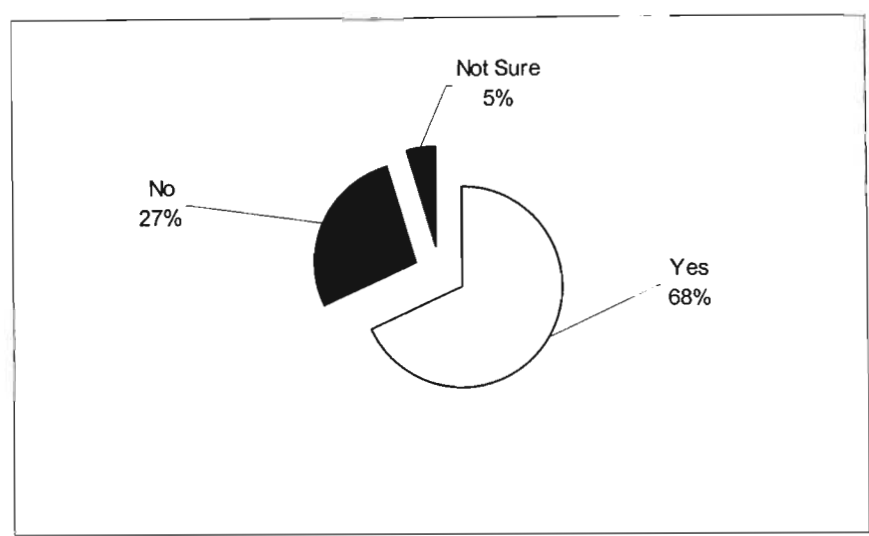
7.3.7 Community stakeholder policy on participation

Graph 8 shows below that a majority of 68% of respondents indicated that their organizations have a policy on participation, while 27% indicated in the negative, and 5% were not sure. This finding is closely linked to 7.3.6 above which, taken in combination, indicates support for participative approaches.

The finding also demonstrates the level of interest and importance attached to participation.

This finding can also be directly associated with Figure 1.2 in Chapter 1 which sets out the objective on establishing the level of interest in participation by community stakeholders.

Graph 8: Confirmation of organizations policy on participation



7.3.8 Issues participated in by community stakeholders

Table 23 below shows issues participated in by community stakeholders, over the mean of 12.2, by level or priority.

The findings show:

- Participation in IDP in level 1 (36.4%) and level 3 (31.8%).
- Participation in local budgeting in level 2 (41%) and level 3 (31.8%).
- Participation in LED in level 1 (18.2), level 2 (41%), and level 3 (27.3%).
- Participation in infrastructure in level 1 (18.2%), level 2 (36.5%), and level 3 (27.3%).
- Participation in community halls and sporting facilities in level 1 (18.4%), level 2 (31.8%), and level 3 (31.8%).
- Participation in cultural and religious activities in level 1 (18.2%), level 2 (36.4%), and level 3 (22.7%).
- Participation in health in level 1 (36.4%), level 2 (31.8%) and level 7 (18.2%).

In summary, the findings show that community stakeholders preferred to participate in issues including IDP, local budget, LED, infrastructure development, community halls, cultural activities and health, in the first three levels of priority.

The finding shows that communities have prioritized all economic, social and cultural issues for participation with the eThekweni Municipality.

The finding concurs with the objective of establishing the level of interest and order of priorities preferred by community stakeholders in Figure 6.2 in Chapter 6.

Table 23: Distribution of issues that organizations participated in by order of priority

| Participation Issues | Rank Order | | | | | | | Total % |
|---------------------------------------|------------|------|------|------|-----|-----|------|---------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| Integrated development plans | 36.4 | 13.6 | 31.8 | 13.7 | 0 | 0 | 4.5 | 100 |
| Local budgeting | 9.1 | 41 | 31.8 | 9.1 | 4.5 | 0 | 4.5 | 100 |
| Local economic development | 18.2 | 41 | 27.3 | 4.5 | 4.5 | 0 | 4.5 | 100 |
| Infrastructure development | 18.2 | 36.5 | 27.3 | 4.5 | 4.5 | 0 | 9 | 100 |
| Community halls & sporting facilities | 18.4 | 31.8 | 31.8 | 4.5 | 0 | 4.5 | 9 | 100 |
| Cultural and religious | 18.2 | 36.4 | 22.7 | 13.6 | 0 | 0 | 9.1 | 100 |
| Health | 36.4 | 31.8 | 4.5 | 0 | 9.1 | 0 | 18.2 | 100 |

1 = highest to 7 = lowest; n = 22; \bar{x} = 14.2; σ^2 = percentage above \bar{x}

7.3.9 Outcomes of participation

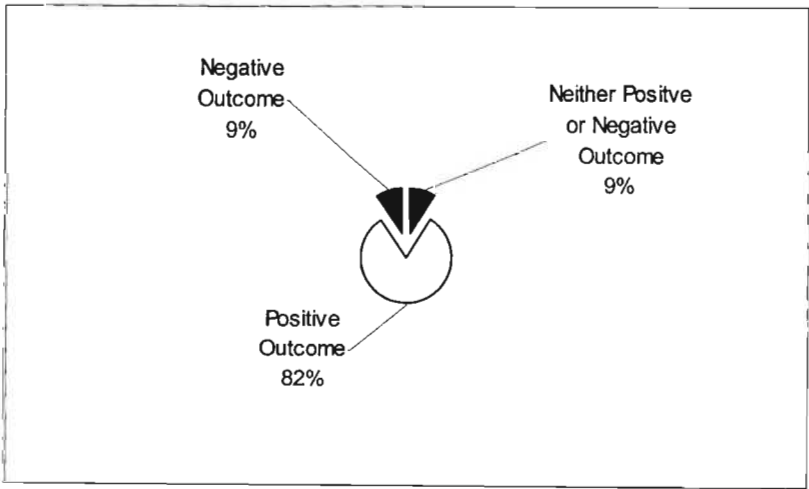
Graph 9 below shows that a majority of 82% of stakeholders indicated that their participative efforts have had positive outcomes. Only 9% of respondents indicated a negative outcome, and a further 9% were neutral in their response.

This finding is closely related to 7.3.10 below which shows that 31.8% and 63.7% of respondents indicated that their organization’s participative efforts were effective and very effective respectively.

The finding is highly significant not only for the study and the eThekweni Municipality in particular, but also for democratic practice and participation discourse in general.

This finding confirms the objective of establishing the effectiveness of participation in Figure 1.2 in Chapter 1. The finding is also significant for one of the three objectives of the research which seeks to establish the coherence of participatory policies as contained in legislation and manifested in democratic practice.

Graph 9: Nature of outcome as a result of organization’s participation in local government decision-making

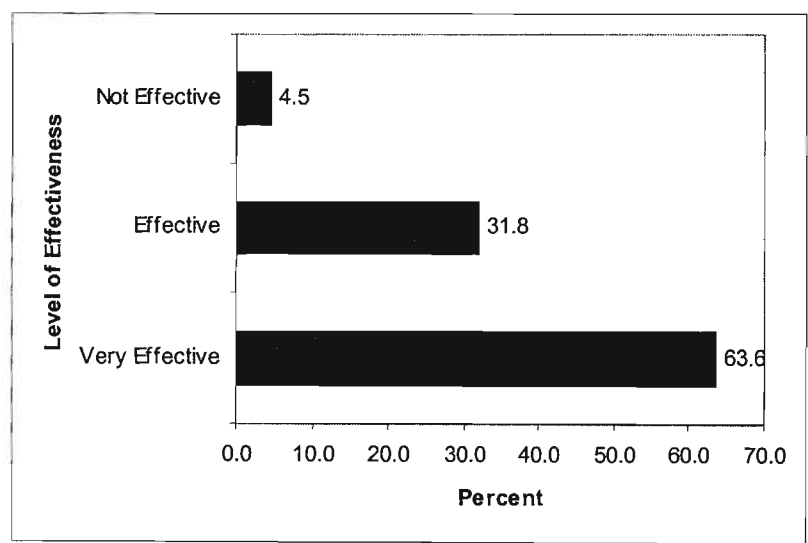


7.3.10 Effectiveness of participation

Graph 10 shows that 31.8% and 63.7% of stakeholders indicated that participation was effective and very effective respectively. Only 4.5% indicated that participation was ineffective.

The finding confirms the objective of establishing the effectiveness of participation in Figure 1.2 in Chapter 1. The finding is also significant for one of three objectives of the research which seeks to establish the coherence of participatory policies as contained in legislation and manifested in democratic practice.

Graph 10: Level of effectiveness in local government participation



7.3.11 Reasons for success and effectiveness of participation

Stakeholders were tested on their reasons for success and effectiveness of participation by rank order.

The findings include:

- In item one, 45.5% of stakeholders believed that they were given a full and fair hearing in level 3.
- In item two, 54.6% of stakeholders indicated that their organization's views were accepted as part of future plans in level 2.
- In item three, respondents believed that the views of other stakeholders also impacted on future plans in level 1 (22.7%), level 2 (27.3%), and level 3 (36.4%).
- In item four, 50% of stakeholders were confident that their organizations were playing a purposive role in local government matters in level 2.
- In item five, a total percentage of 91% of stakeholders indicated that officials and councillors were positively influenced by participants' inputs in level 1 (27.4%), level 2 (31.8%) and level 3 (31.8%).

In summary, stakeholders were very positive that their participation impacted on local decisions and that they were playing a purposive role in local government matters. This finding confirms the objective of establishing the effectiveness of participation in Figure 1.2 in Chapter 1.

Table 24: Reasons for the success and effectiveness of participation by order of priority

| Reasons | Rank Order | | | | | |
|--|------------|------|------|-----|------|---------|
| | 1 | 2 | 3 | 4 | 5 | Total % |
| Our organization was given a full and fair hearing. | 13.6 | 18.2 | 45.5 | 9.1 | 13.6 | 100 |
| Our organization's views were accepted as part of future plans. | 13.6 | 54.6 | 18.2 | 9.1 | 4.5 | 100 |
| The views of other organizations also impacted significantly on future plans. | 22.7 | 27.3 | 36.4 | 9.1 | 4.5 | 100 |
| Our organization was confident that it was playing a purposive role in local government matters. | 18.2 | 50.0 | 18.2 | 4.5 | 9.1 | 100 |
| Municipal officials and councillors were positively influenced by participants' inputs | 27.4 | 31.8 | 31.8 | 4.5 | 4.5 | 100 |

1 = highest to 5 = lowest; n = 22; \bar{x} = 20; □ = percentage above \bar{x}

7.3.12 Reasons for not supporting participation

Respondents who did not support participation (see 7.3.6, Graph 7 - 4.5% did not support participation and 4.5% were not sure) were tested for their reasons.

The findings include:

- In item one, 54.5% of stakeholders participated in local matters but were not successful in level 2.
- In item two, stakeholders believe that the eThekweni Municipality is not keen on engaging with them in level 1 (31.8%) and level 2 (41%).
- In item three, stakeholders indicated that they would like to participate but feel that certain social movements were excluded from participating in important decisions such as housing and basic facilities in level 1 (22.8%) and level 2 (50%).
- In item four, stakeholders believed that there were alternative ways to influence decisions in level 1 (27.3%), level 3 (36.4%) and level 3 (22.7%).
- In item five, certain stakeholders would not like to participate as participation happens only for election purposes in level 1 (40.9%) and level 2 (36.45%).

In summary, minorities of stakeholders who have not embraced participation have differing reasons including: not being successful previously; refusal by the municipality to engage with them; the deliberate exclusion of some stakeholders; the possibility of there being alternative ways to influence decisions; and the feeling that participation may be linked to election politics.

Table 25: Reasons for not supporting participation by order of priority

| Reasons | Rank Order | | | | | |
|---|------------|------|------|------|---|-------|
| | 1 | 2 | 3 | 4 | 5 | Total |
| Our organization has participated in local government matters before, but has not been successful | 13.6 | 54.5 | 18.3 | 13.6 | 0 | 100 |
| Our organization would like to participate, but the eThekweni Municipality is not keen to engage with us | 31.8 | 41 | 13.6 | 13.6 | 0 | 100 |
| Our organization would not like to participate, as it feels that certain social movements are excluded from participating in important decisions such as housing and basic facilities | 22.8 | 50.0 | 13.6 | 13.6 | 0 | 100 |
| Our organization would not like to participate, as it feels that there are alternative ways to influence policies and decisions of the eThekweni Municipality | 27.3 | 13.6 | 36.4 | 22.7 | 0 | 100 |
| Our organization would not like to participate as participation happens only for election purposes | 40.9 | 36.4 | 9.1 | 13.6 | 0 | 100 |

1 = highest to 5 = lowest; \bar{x} = 20; \bar{x} = percentage above \bar{x}

7.3.13 Support for representative systems and participative methods

Stakeholders were tested for support of (parallel) representative and participative systems in local government.

The findings show that a majority of 63.6% of stakeholders support parallel representative and participative systems; 31.9% indicated that while they support parallel representative and participative systems, there is still a need for other democratic options.

This finding has positive implications for the second object of the research, namely the coherence of participative policy in the local sphere in South Africa.

Table 26: Organizational support for representative systems and participative methods

| | |
|--|-------------|
| Support both representative systems and participative methods | 63.6% |
| Does not support both representative systems and participative methods | 0% |
| Support both representative systems and participative methods but there is still a need for other democratic options | 31.9% |
| Not sure | 4.5% |
| Total | 100% |

7.3.14 Community stakeholders' perceptions of councillors' support for participation

Stakeholders were tested about their perceptions of councillors' support for participation.

The findings include:

- In item one, 63.6% of stakeholders indicated that councillors supported participation in local government matters in level 4.
- In item two, stakeholders believed that councillors were cautious about participation in level 1 (22.7%), level 2 (27.3%), and level 4 (45.5%).
- In item 3, stakeholders believed that councillors do not support participation in level 1 (27.3%) and level 4 (45.3%).
- In item four, stakeholders indicated that elected and PR councillors differed on participation in level 1 (36.4%), level 2 (22.7%), and level 4 (31.8%).
- In item five, stakeholders believed that councillors supported participation mainly for election purposes in level 1 (31.8%), level 2 (22.7%), and level 4 (27.3%).

In summary, the main finding of 63.3% of stakeholders indicating that councillors supported participation in level 4 shows a lack of full confidence. This finding is consistent with stakeholders' responses in the following four items where high

percentages above the mean in mainly levels 1 and two can be found. The importance of this finding must be viewed against the background that this item simply tests the stakeholder’s opinion.

The finding is however, significant for its contribution to understanding the second objective of the research, namely, assessing the coherence of participation policy in local government.

Table 27: Councillors’ support for participation from community stakeholders

| Councillor support for participation | Rank Order | | | | | |
|---|------------|------|------|------|---|-------|
| | 1 | 2 | 3 | 4 | 5 | Total |
| Councillors generally support participation in local government matters | 9.1 | 18.2 | 9.1 | 63.6 | 0 | 100 |
| Councillors are cautious about participation in local government matters | 22.7 | 27.3 | 4.5 | 45.5 | 0 | 100 |
| Councillors do not support participation in local government matters | 27.3 | 18.2 | 9.1 | 45.3 | 0 | 100 |
| It depends; ward and proportional representative councillors take differing positions about participation | 36.4 | 22.7 | 9.1 | 31.8 | 0 | 100 |
| Councillors’ support participation mainly for election purposes | 31.8 | 22.7 | 18.2 | 27.3 | 0 | 100 |

1 = highest to 7 = lowest; \bar{x} = 20; \bar{x} = percentage above \bar{x}

7.3.15 Community stakeholders’ support for appointment of both ward and proportional representative councillors

Stakeholders were tested as to whether they supported the appointment of both ward and PR councillors.

The findings included:

- A minority of 4.5% of stakeholders supported the appointment of both ward and PR councillors.
- A majority of 81.9% did not support the appointment of both ward and PR councillors.
- A minority of 9.1% of stakeholders were not sure.
- A minority of 4.5% of stakeholders did not respond.

In summary, the appointment of both ward and PR councillors was not acceptable to the majority (81.9%) of stakeholders. This finding concurs with 7.3.16 below which shows that 36% of stakeholders did not support multiple ward councillors and that a large proportion of 18% were not sure how to view the test.

This finding has important implications for understanding the second objective of the research, namely, assessing the coherence of participative policy in local government. The finding also contributes to objective three which confirms that there is a debate among stakeholders about the most effective approaches to participation.

Table 28: Organizational support in the appointment of both ward and proportional representative councillors

| | |
|--|-------------|
| Yes, it supports both the election of ward and proportional representative councillors | 4.5% |
| No, it supports only the election of ward councillors | 81.9% |
| Not sure | 9.1% |
| No Response | 4.5% |
| Total | 100% |

7.3.16 Support for multiple councillors from different political parties in the same ward

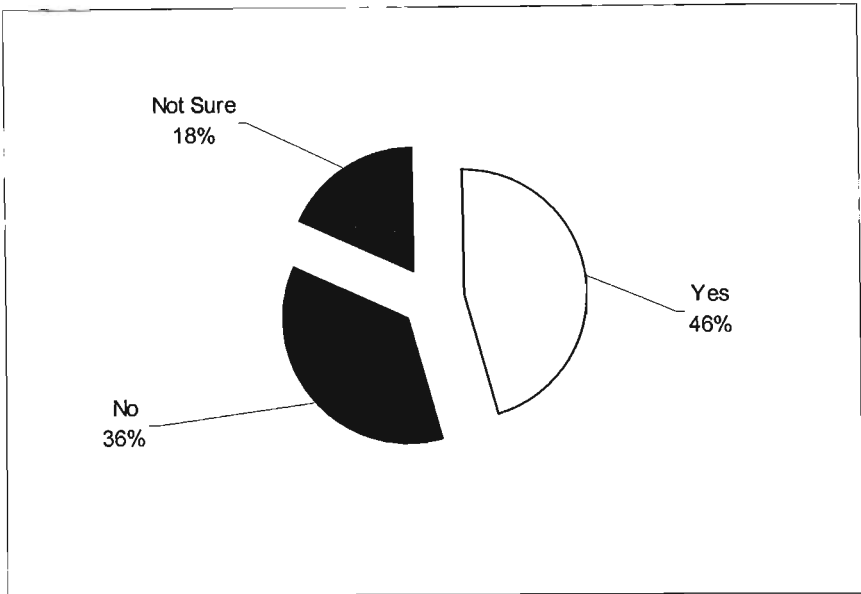
Stakeholders were tested as to whether they preferred multiple councillors from different political parties in the same ward.

The findings include:

- A slight majority of 46% of stakeholders supported multiple councillors from different political parties in the same ward.
- A minority of 36% of stakeholders did not support multiple councillors from different political parties in the same ward.
- A significant proportion of 18% of stakeholders were not sure whether they preferred multiple councillors from different political parties in the same ward.

In summary, stakeholders were divided in their views as to whether multiple councillors from different political parties should be appointed in the same ward. This finding is significant for understanding the third objective of the research, namely the contrasting debate about the most effective approaches to participation in local government.

Graph 11: Organizational support for multiple councillors



7.3.17 Reasons for supporting elected, proportional and multiple councillors in wards

Stakeholders who indicated that they supported multiple councillors (i.e. 46% as indicated in 7.3.16, Graph 11) were tested for their reasons.

The findings include:

- In item one, stakeholders were divided in their responses that they had no problem with multiple councillors (i.e. elected, PR and other councillors in ward) in level 1 (27.3%), level 2 (27.3%) and level 3 (22.7%).
- In item two, stakeholders indicated that elected, PR and other councillors benefited the democratic process in level 1 (45.5%) and level 2 (31.7%).
- In item three, stakeholders indicated that there was no unfair political advantage in having elected, PR and other ward councillors in the same ward in level 2 (27.2%), level 3 (27.2%) and level 4 (22.7%).

- In item four, stakeholders indicated that elected, PR and other ward councillors worked towards the advantage of the community in level 2 (36.5%) and level 5 (54.5%).
- In item five, 0% of stakeholders indicated that they were not sure.

In summary, stakeholders indicated a divided if not weak support for multiple councillors in wards. This finding is significant as it contributes to the understanding of the third objective of the research, namely, the debate of most effective approaches to participation in local government.

Table 29: Reasons for supporting elected, proportional and multiple councillors

| Reasons | Rank Order | | | | | |
|---|------------|------|------|------|------|-------|
| | 1 | 2 | 3 | 4 | 5 | Total |
| My organization has no problem with elected, proportional representative and multiple councillors in wards | 13.7 | 27.3 | 27.3 | 22.7 | 9 | 100 |
| Elected, proportional representative and multiple councillors in wards benefit the democratic process | 9 | 45.4 | 31.7 | 9.3 | 4.5 | 100 |
| There is no unfair political advantage by having elected, proportional representative and multiple councillors in wards | 13.9 | 27.2 | 27.2 | 22.7 | 9 | 100 |
| Elected, proportional representative and multiple councillors work towards the advantage of the community | 0 | 36.5 | 4.5 | 4.5 | 54.5 | 100 |
| Not sure | 0 | 0 | 0 | 0 | 0 | 0 |

1 = highest to 5 = lowest; \bar{x} = 20; \square = percentage above \bar{x}

7.3.18 Community stakeholders’ awareness of judicial process on other countries

Stakeholders were tested as to whether they were aware of judicial processes in other countries.

The findings include:

- A minority of 9.1% of stakeholders were aware of judicial processes in other countries.
- The majority of 81.8% of stakeholders were unaware of judicial processes in other countries.
- A significant minority of 9.1% of stakeholders were not sure.

This finding is significant for understanding the third objective of the research as it indicates that stakeholders are debating effective approaches to participation and that they may be open to the possibility of new spaces for participation. This possibility is indicated in 7.3.19, table 31 below, where stakeholders strongly supported an engagement with judicial review process in South Africa.

Table 30: Awareness of judicial review processes in other countries

| | |
|--|------------|
| My organization is aware of the judicial review process in other countries | 9.1 |
| My organization is unaware of the judicial review process in other countries | 81.8 |
| Not sure | 9.1 |
| Total | 100 |

7.3.19 Community stakeholders’ willingness to challenge local policies and decision through the judicial process

Stakeholders were tested about their support for engagement with judicial review processes in South Africa.

The findings include:

- The majority of 81.9% of stakeholders strongly support a judicial review process.
- A minority of 4.5% of stakeholders object to judicial review processes.
- A significant proportion of stakeholders were not sure whether they would engage with judicial review processes.

This finding is significant for the third objective of the research, namely, that stakeholders were open to the possibility of new spaces for participation.

Table 31: Support to engage in judicial review process

| | |
|--|-------------|
| Strongly support a judicial review process | 81.9% |
| Strongly object to a judicial review process | 4.5% |
| Not sure | 13.6% |
| Total | 100% |

7.3.20 Community stakeholders’ opinion of how the judicial process should be formalized

Stakeholders were tested on how the judicial processes should be formalized.

The findings include:

- In item one, stakeholders indicated that the judicial process should be provided for in the Constitution of South Africa in level 2 (50%) and level 4 (27.3).
- In item two, stakeholders indicated that the judicial process should be provided for in local government legislation in level 2 (31.8%).

- In item three, stakeholders indicated that the judicial process should be provided for in both the Constitution of South Africa and local government legislation in level 1 (36.4%) and level 2 (46.4%).
- In item four, stakeholders indicated that municipalities should promulgate their own bylaws on the judicial review process.

In summary, the majority of stakeholders strongly believed that the judicial review process should be provided for in both the Constitution of South Africa and local government legislation. A further large proportion of stakeholders believed that municipalities should promulgate their own bylaws on the judicial review process.

This finding is significant for the third objective of the research as stakeholders are open to strongly supporting the new spaces for participation, namely, the introduction of judicial review processes in local government.

Table 32: Rank order of how the system of judicial review should be formalized

| Order of priority | Rank Order | | | | |
|--|------------|------|------|------|-------|
| | 1 | 2 | 3 | 4 | Total |
| Provide for the judicial review process in the Constitution of South Africa | 9.1 | 50.0 | 13.6 | 27.3 | 100 |
| Provide for the judicial review process in local government legislation | 13.6 | 31.8 | 36.5 | 18.1 | 100 |
| Provide for the judicial review process in both the Constitution of South Africa and in local government legislation | 36.4 | 46.4 | 4.5 | 12.7 | 100 |
| Allow municipalities to promulgate their own bylaws on the judicial review process | 45.6 | 31.8 | 4.5 | 18.1 | 100 |

1 = highest to 4 = lowest; \bar{x} = 25; \square = percentage above \bar{x}

7.4 DISCUSSION OF MAIN FINDINGS

7.4.1 Councillors of the eThekweni Municipality

7.4.1.1 ANC leaning municipal councillors

The combined proportion of 67.5% of the sample of councillors were representatives of the African National Congress. Given that the ANC is the majority political party in the eThekweni Municipality and given that a national policy on participation was developed by national government, it is highly likely that the participatory approach will be favoured in the eThekweni Municipality.

7.4.1.2 Lack of political experience of councillors

The combined percentage of 67.5% of councillors (consisting of 37.8% elected and 29.7% PR councillors) had less than five years' experience in their respective political positions. This means that these councillors are first-time participants in local political processes. However, many councillors have civic and ratepayer and social welfare backgrounds as indicated in their profiles. The lack of experience of councillors, presents particular challenges on balance. The most critical challenges include the uncritical adoption of participation processes; or councillors may assume a negative attitude emanating from perceptions of threat to their roles.

7.4.1.3 Support for participation

The findings show that while there is extensive awareness of and overwhelming support for participation, there are differences of perspectives with regard to interpretation, perceived effectiveness, and cross-cutting participative roles of ward committees and councillors. This means that participation processes cannot be perceived as normative

nor that participation will meet divergent expectations as a matter of course. Participation should rather be considered as a matrix with some unknown manifestations.

7.4.1.4 Previous participation in local matters

The findings show that councillors have consulted about and attached high degrees of importance to issues including municipal budget; LED; superstructure; infrastructure; sports and community facilities; housing and health. The findings also show overwhelmingly positive impacts of participative initiatives in the above local government matters.

7.4.1.5 Councillors' support for participation of community stakeholders

Councillors indicated divided and contradictory support for participation. Firstly, support for and against participation was indicated in the lower ranks of the measuring instrument. There was also strong indication of a cautious approach to participation by community stakeholders. Councillors also believed that elected and proportional representative councillors adopted differing approaches to participation by community stakeholders. These findings also indicate the complexity of perceptions and expectations of participatory processes.

7.4.1.6 Effectiveness of councillors

Councillors believed that they were highly effective in their collective political, social welfare, economic, and service provider roles. This finding may be a contributory factor to the mixed attitude held by councillors towards community participation. The finding may also indicate community participation as a threat to the roles of councillors. Rather,

councillors appear to support the multiple councillor system and see no contradiction in it.

7.4.1.7 Councillor and political party support for participative systems

The findings show the following:

- 100% of councillors support both or parallel representative and participative systems in local government;
- 100% of councillors support the election of both ward and proportional representative councillors;
- 100% of councillors believe that their political parties support the election of both ward and proportional representative councillors; and
- 100% councillors support multiple councillors in wards.

The reasons for supporting multiple councillors include:

- multiple councillors benefited the community;
- there was no unfair political advantage in the multiple councillor system; and
- the multiple councillor system worked to the advantage of communities.

7.4.1.8 Councillors' views on the judicial review

The finding shows 97.3% awareness of judicial processes in other countries. The finding also shows that 97.3% of councillors support the implementation of judicial processes in South African local government.

Councillors supported the formal provision of the judicial process in the Constitution of South Africa, local government legislation, and bylaws of municipalities.

7.4.2 Community stakeholders in the eThekweni Municipality

7.4.2.1 Experience of community stakeholders

The findings showed that 68.2% of community stakeholders have been in existence for twenty-five years and over. This is a significant factor and strength in the research indicating extensive local governance experience in two distinct periods, namely, the apartheid and post-apartheid periods. Their commitment to represent local communities may explain their enthusiasm and support for participatory approaches as evidenced below.

7.4.2.2 Issues promoted by stakeholders

The trend among community stakeholders shows most involvement in civic and ratepayer issues, followed by socio-economic issues, including unemployment and job creation; crime prevention; sports; youth; women; and HIV/AIDS. The experience and nature of involvement may be an inherent strength of community stakeholders in participation processes.

7.4.2.3 Community stakeholder support for participation

The findings showed that a majority of 91% of respondents supported participation in local government matters. These findings have strategic importance for both the eThekweni Municipality in particular, and participative processes in general.

7.4.2.4 Previous experience of participation

The finding shows that community stakeholders participated in issues including IDP, local budget, LED, infrastructure development, community halls, cultural activities, and

health. Community stakeholders had prioritized all economic, social, and cultural issues for participation with the eThekweni Municipality.

In terms of the outcomes of participation, the majority of community stakeholders indicated that their organization's participative efforts ranged between effective and very effective.

In terms of reasons for the success of their participation, community stakeholders indicated that:

- they were given a full and fair hearing;
- their organization's views were accepted as part of future plans;
- the views of other stakeholders also impacted on future plans;
- they were confident that their organizations were playing a purposive role in local government matters; and
- officials and councillors were positively influenced by participants' inputs.

The above indicates a positive attitude and outlook, as well confidence in future participative processes on the part of community stakeholders.

For the small proportion (4.5%) of respondents that did not support participation, their reasons included the following:

- certain participative efforts were not successful;
- some stakeholders believed that the eThekweni Municipality is not keen on engaging with them;
- some stakeholders would like to participate but feel that certain social movements were excluded from participating in important decisions such as housing and basic facilities;

- some stakeholders believed that there were alternative ways to influence decisions; and
- certain stakeholders would not like to participate as participation happens only for election (or political) purposes.

The above concerns by the minority can easily be clarified and settled through bilateral consultations between the eThekweni Municipality and those affected. The initial approach, however, should be initiated by the municipality.

7.4.2.5 Support for representative and participative systems

The findings show that the majority of community stakeholders support parallel representative and participative systems.

However, in terms of support for both ward or elected and PR councillors, the findings shows that community stakeholders were very specific about their preferences. The findings shows:

- a minority of 4.5% of stakeholders supported the appointment of both ward and PR councillors; and
- a majority of 81.9% did not support the appointment of both ward and PR councillors.

In terms of the overall preference for multiple councillors, the findings show contradictory outcomes:

- a slight majority of 46% of stakeholders supported multiple councillors from different political parties in the same ward;

- 36% of stakeholders did not support multiple councillors from different political parties in the same ward; and
- a significant proportion of 18% of stakeholders were not sure whether they preferred multiple councillors from different political parties in the same ward.

Stakeholder provided the following reasons for supporting multiple councillors in wards:

- they had no problem with multiple councillors;
- stakeholders indicated that elected, PR and other councillors benefited the democratic process;
- stakeholders indicated that there was no unfair political advantage in having elected, PR and other ward councillors in the same ward; and
- stakeholders indicated that elected, PR and other ward councillors worked towards the advantage of the community.

The above findings are an indication of buy-in of the participatory system by the stakeholders. They are, however, not a clear indicator of policy coherence to parallel democratic systems by community stakeholders.

While these questions were not tested with municipalities, they also apply to them as institutions, politicians, and officials. This confirms that there is a need for policy coherence at the local level as expressed in the second objective of the research. It is clear from the findings that this problem requires further exploration and research.

7.4.2.6 Community stakeholders' awareness and support for judicial review

The majority of community stakeholders indicated that they were unaware of judicial processes in other countries.

They were, however, strongly willing to support a judicial review process in South Africa. They believed, like councillors, that judicial review should be provided for in the Constitution of South Africa, in local government legislation, and in bylaws of municipalities.

This finding is significant for the third objective of the research, namely that stakeholders were open to the possibility of new spaces for participation.

7.5 CONCLUSION

The chapter intended to test the three objectives of the research, namely, to examine the relationship between representative and deliberative democracy; observe if participatory policy coheres in the local sphere in South Africa; and evaluate the contrasting debate and approaches to effective participation with particular reference to new spaces for participation.

The findings clearly show that two important participants, i.e. councillors and community stakeholders, believe that there is a relationship between representative and deliberative political systems. In fact, they advocate for parallel democratic systems, where they can draw maximum benefits for their respective projects.

In terms of the second objective of the research, the findings show that there are divergent perceptions of the applications of participatory approaches between the two main participants. There were further divergent views on the applications of participatory approaches within each of the participant groups. The views and perceptions within the participant groups indicate that participation must be considered as occurring within a complex matrix. The findings therefore point towards the need for

a more coherent understanding of participation policy by all stakeholders. The municipality as a collective stakeholder must be included in this exercise.

In terms of the third objective of the research, it is clear that two important stakeholders, i.e. councillors and community stakeholders, believe that new spaces for participation can be created in the matrix. One such possibility is the development and implementation of judicial review processes meant especially for local government in South Africa.

CHAPTER 8

GENERAL CONCLUSIONS AND RECOMMENDATIONS

8.1 INTRODUCTION

In constructing the monograph on participation, the research drew from the copious literature shaping participation concepts, theories, and applications. The narrative was arranged according to meta-topics and set out as independent blocks in the different chapters. The chapters were arranged as categories including: democracy and participation theory; participation in the literature; participatory governance; local government policy and legislation; civil society relations and participation; and new spaces for local government participation. These chapters and meta-topics formed the collective theoretical framework of the research. The conceptual approach to the work was completed by the empirical case study of eThekweni Municipality which served to analyze the relationship between theory and praxis.

The objectives undertaken by the research have contributed somewhat significantly to the understanding of participation in South Africa. The highlights include:

Theory vs practice: The work emphasized the role of the policy cycle (viz. policy planning; policy implementation; and policy evaluation) in that space between theory and the experience of participation on the ground. The work identified and analyzed three spheres of epistemology, viz. theory, policy, and experience. The analysis revealed two critical developmental lessons: first, it showed that each epistemological sphere must be understood both independently and in relation to each another; and second that their workings are evolutionary. This means that the participatory project is best thought of as ongoing and transitory.

Genesis of participation: The work examined the genesis of participatory concepts and theories from an international perspective. This approach illustrated the different ideological leanings informing the participation discourse which is important for analytical and application purposes.

New democratic form for South Africa: The work also demonstrated that participation is taking on an identifiable democratic form, representing both political will and constitutional imperative to entrench democracy normatively at the base of South African society; in particular, the local sphere of government.

Participation is an ongoing project: It is apparent that the title “New spaces for participation in South African local government” not only has currency, but will continue to dominate the participatory discourse for a significant amount of time in the future. The work shows that participatory democracy is the subject of conveyance from developed to developing and transitional countries, including South Africa. Importantly, the work revealed that the participation policy and implementation process are a relatively new, but ongoing project of the South African developmental state.

Participation has been embraced by civil society: There is overwhelming evidence that civil society has embraced participatory process. Individual citizens have also seen the potential of participatory approaches to gain social and economic rights. And the work has shown that participation discourse also holds immense interest among academics, researchers and development workers for its potential towards forging new forms of democratic praxis.

New spaces for participation: The research chose *three conceptual aspects*: the main theories of democracy and participation contemplating the local sphere of government; the South African policy framework staging the interactions between the key

participants, namely, local government and civil society formations; and the institutional spaces created by policy and legislation, to demonstrate that new spaces for participation can be grafted into democratic practice.

New research: The *problématique* of the research consisted of: showing that representative democracy had declined given the emphasis on participation praxis; examining policy coherence for effective participation in the South African local sphere; and examining the accommodation of new participative spaces *vis-à-vis* local government policy and legislation in South Africa. However, the work has shown that there are necessary junctures for a host of other research problems and methodologies which can only strengthen participation in South Africa.

Following from the key lessons of the research, the chapter now sets out the specific chapter highlights below.

8.2 CHAPTER SUMMARIES

8.2.1 Chapter 1: Introduction

Chapter 1 consisted of two parts: the first introduced the research in terms of the goals of the work and the conceptual framework, and the second set out the structure of the work.

The overall aim of the work was to evaluate the participatory framework in the local government sphere in South Africa. The work was conceptualized in terms of theoretical categories, including democracy and participation theory; participation in the literature; participatory governance; local government policy and legislation; civil society relations and participation; and new spaces for local government participation. Each category

explained the meaning of concepts and sketched the existence of participative modes internationally, followed by locating the concepts and modes in the South African context. This approach showed the claim made by the research that participation methodologies were conveyed from the experiences of developed countries to developing countries. However, the work was unable to find in the literature comparative studies on participation methodologies between developed and developing countries. The literature is, however, quite voluminous on comparative studies among developing countries as a research category. There are several comparative studies on Brazil, India, and South Africa.

The conceptualization and structure of the work was based on the following chapter delineations and headings: Chapter 1: Introduction; Chapter 2: Local democracy and participation theory; Chapter 3: Participatory governance at the local level; Chapter 4: Civil society relations and participation; Chapter 5: New spaces for local government participation; Chapter 6: Research design and methodology; Chapter 7: Empirical case study – eThekweni Municipality; and Chapter 8: General conclusions and recommendations.

8.2.2 Chapter 2: Local democracy and participation theory

The chapter approached participation theory in terms of the liberal tradition, political society theory and governance theory. The three perspectives were imagined simultaneously as a unified concept of participative governance. Participative governance is thought of as fulfilling the functions of government through the participation and engagement of civil society or community stakeholders.

The chapter began by raising the meaning of the concept of democracy in order to show the non-existence of a singular interpretation. In many senses, democracy is taken for granted, for example, democracy meaning freedom; or seeing democracy as a western

idea. The chapter noted how the liberal tradition has been subjected to change over time, resulting in theoretical offshoots and ideologies. The feature most relevant to the research was the theory of democracy taking a 'deliberative turn'.

The chapter then introduced political society theory which distinguished between civil society (formations) and social movements. Whereas civil society complements the work of the state, social movements function in opposition to it. The discussion of social movements was considered particularly important as the research has shown there is phenomenal growth in social movements in South Africa.

The examination of governance theory showed the interplay between democracy and governance. The new modes of governance indicated new meanings to democratic praxis such that those approaches which preferred 'deep democracy' to 'thin democracy'.

The examination of development also showed a change in meaning from people being the recipients of assistance in a top-down fashion to people having control and ownership of public decisions.

The chapter included the feminist theory of participation in order to build on the role of women and the marginalized in participation methodologies.

The chapter proceeded with a discussion of the theory and practice of participation to show that participation is not an evenly applied concept. Instead, it is well known that participation is context specific, contested, and has to be modelled according to local needs. The critical point is that participation is a social activity, rather than an instrumental application. Therefore, the dividing space between theory and practice must be addressed in policy planning.

The Draft National Policy Framework for Public Participation for South Africa was introduced as government's commitment towards participation, as well as giving expression to the Constitution. The critical tone of the framework is the genuine empowerment of citizens compared to token consultation or manipulation of participatory processes.

The chapter also viewed participation as a response to the lack of efficiency of the public sector as well the need for government to be reformed. The chosen approach is to involve the public more directly in governing and in the choices of policies. The chapter therefore addressed the first research problem, namely the decline or passivity of representative democracy. The idea is to move away from, or at least supplement, the voting process with participation and enlightened understanding.

The chapter was based on a literature review of the theoretical concepts and perspectives of democracy in general, followed by participation in particular. The participation discourse was disaggregated in terms of seven categories, namely, (1) participation as democratic form, with the dominant belief asserting participation as democratic form promoting human development; (2) participation as space, meaning those arenas, both created and organic, permanent or transient, where the engagement between government and civil society occurs; (3) participation as dialogue and deliberation, meaning those processes which analyses and takes decisions affecting the participants; (4) participation as rights, where citizens are either given, assert their rights, or demand new rights in terms of Constitutional and legal provisions; (5) participation as development, such as in the South African sense where the RDP provides for participation in local governance towards the goal of social and economic development; (6) participation as decentralization, where previous centralized decision-making is shifted to local government in order to facilitate participation and accountability; and (7) participation as accountability, meaning the effort to make governance processes more transparent.

Participation was also introduced in terms of the concept of participatory governance. This approach explained the provisions of participation in the Constitution, policy and legislative provisions developed by the state.

The analysis of participation showed that multiple and interconnected goals can be achieved in practice. In terms of stand-alone goals, these included deeper democratic practice, development, poverty eradication, and accountability. In terms of interconnected goals, deeper democracy and greater accountability addressed the related goals of corruption and clientelism, or decentralization addressed efficiency, development, and democracy in combination. In the final analysis, participation was considered to be the solution to post-modern governance.

8.2.3 Chapter 3: Participatory governance at the local level

The point of departure for the chapter was the New Public Management model of governance and culminated in the model's hybridization making it relevant for the South African context.

The need for a new governance paradigm was established as a response to the inability to solve the problems of regulating the behaviour of people and organizations. The new paradigm is viewed as governance through multiple stakeholder processes. Governance means going beyond government, extending to the market and civil society organizations. Crucially, governance is seen as having no centre, but multiple centres located in different spaces of society.

The chapter proceeded to focus on governance in South Africa. The transformation from an authoritarian regime to a non-racial democracy was viewed as inspiring and celebratory. These conditions set the basis for a new paradigm of governance. However,

the key lesson was that while participation had been embraced in the new paradigm, there existed several barriers to its implementation, the main barrier being the developing nature of the socio-economic landscape which combined poverty and high levels of unemployment. However, the chapter proceeded to set a way forward for innovative participatory methodologies to be implemented in South Africa.

The theme of good governance was then discussed. Empirical evidence by the World Bank showed that South Africa scored high governance indicators during the late 1990s but these scores declined in the late 2000s. Such evidence, combined with analyses of local research, must be taken into account by both policy planners and civil society actors.

The chapter then proceeded with an examination of governance models. The chapter showed that the White Paper on Local Government rested on a blend of ideas from the New Public Management model, while providing significant space for participation.

Following from the Constitution of South Africa, the chapter showed that the set of local government legislation enshrined the right to development and participation. These and other policies framed the developmental path of local government.

The chapter traced the view of local government as the implementing agency for development in South Africa from the expressions of the first President of South Africa, the RDP, and other policy and legislative provisions. The RDP firmly establishes participation in South Africa, which declares that democracy for ordinary citizens must not end with formal rights and the periodic one-person-one vote system. The RDP envisages participatory democracy on the basis of informed and empowered citizens, as well as direct democracy.

The chapter proceeded to outline the Constitutional and legal provisions for participation:

- **Constitution of SA** – The Constitution provides for procedural and administrative justice in order to achieve substantive equality among the population. In order to deliver the rights and developmental initiatives, the Constitution encourages as objects of local government, the involvement of communities and community organizations in matters of local government. Additionally, the Constitution takes a people-centred approach regarding the manner in which the public service interacts with the public.
- **White Paper on the Transformation of the Public Service** - The White Paper is concerned with transforming the public service for improved service delivery and calls for a shift away from inward-looking, bureaucratic systems, processes and attitudes, and to search for new ways of working which put the needs of the public first and style themselves to be more responsive to the public. The White Paper is a consequence of the provisions of the Constitution, which demands administrative justice.
- **White Paper on Transforming Public Service Delivery** - The Batho Pele principles are intended to improve how the public service interacts with the public. It highlights two historical problems of the public service, namely, that decision-making in the past was over-centralized and that structures were hierarchical and rule-bound. As a remedy, the White Paper frames the following eight service delivery principles, namely, consultation; service standards; access; courtesy; information; openness and transparency; redress; and value for money.
- **White Paper on Local Government** - The White Paper obliges municipalities to develop mechanisms to ensure citizen participation in policy initiation,

formulation, implementation, monitoring, and evaluation of programmes. Each municipality must develop a localized system of participation.

- **Local Government: Municipal Structures Act** - The Act receives its mandate from the Constitution to develop mechanisms to consult the community and community organizations in the performance of its functions and exercising of its powers. It also provides for the establishment of ward committees whose role is to facilitate participatory democracy and help build a partnership for better service delivery and development.
- **Local Government: Municipal Systems Act** - The Act provides for a framework for community participation in local government where municipalities are required to encourage participation in the IDP processes, performance management systems, annual budgets, and review of municipal services. The Act firmly demands participation through political structures, mechanisms and processes, and other municipal consultative fora.
- **Local Government: Municipal Finances Management Act** - The Act provides for the publication of local budgets; for inviting the community to submit representations; and to consult widely about provisions in the budget. The Mayor is then obliged to revise the budget and table amendments for consideration by the municipal council.
- **Local Government: Municipal Properties Rates Act** - The Act states that before a municipality adopts its rates policy, it is required to follow processes of community participation. The municipal manager is mandated with the responsibility of publicizing and collating representations on the proposed rates policy.

The chapter also pointed out certain limitations imposed upon members of the public. The key concern is that participatory governance should not interfere with the municipality's right to govern and its exercise of executive and legislative authority.

The chapter concluded with a discussion on the socio-ethics of participation. The core concern was for the demonstration and application of moral and ethical principles in order to ensure equity and that ordinary people were given due consideration. The socio-ethical principles were also intended to apply to the public service in general and municipalities in particular.

8.2.4 Chapter 4: Civil society relations and participation

The chapter began initially by questioning to what extent the new vision of a transparent and participatory democracy has any meaning. The intentions of government appeared quite clear, but the response by civil society appeared unclear. However, there is insufficient research to make a judgment on the overall support for participation by civil society. The chapter therefore examined civil society with respect to its relations with the state and the dividing lines between them.

The chapter also explored civil society globally in order to understand its nature and characteristics. Civil society was seen to be a compound property, resting on principles of actions, autonomy, civility and a host of closely held beliefs. However, it was pointed out that the value of civil society should be neither underestimated nor undermined.

The chapter then focused on civil society relations in South Africa. It was clear that civil society can be viewed from two perspectives, namely, as mutually respecting and supporting relations in contrast to contesting and challenging relations on the grounds of developmental arguments. The chapter showed that while South Africa contains

diverse and deep civil society formations, they can play a constructive role in participatory processes.

The chapter then attempted to develop a new social contract between the state and civil society. It set out different models of interaction between the two, and concluded with a possible ideal model for South Africa. The chapter then examined international and local methods of participation, such as those developed by the International Association for Public Participation, the Good Governance Learning Network, eThekweni Municipality, and the Department of Environmental Affairs and Tourism.

Following the analysis of models for engagement, the concept of social capital was examined for new possible spaces for participation. Social capital was referred to as the institutions, relationships, attitudes and values that govern the relations among people and which contribute to economic and social development. The chapter showed that social capital has come to be known as an essential ingredient of good governance.

The chapter then concluded with a set of questions on participation raised by researchers in the field. The questions leave open the debate for deeper understandings and applications for participation. The end result is therefore the idea that participation can be reshaped and adapted for changing contexts and circumstances.

8.2.5 Chapter 5: New spaces for local government participation

The chapter proposed that new spaces can be identified from the literature and international experience. These spaces included: international agreements which were reached through popular pressure and participation of civil society actors; the eradication of poverty with the active participation of the poor themselves; the academic and professional sphere of public administration which provide critical lessons for South Africa; and administrative law through judicial review where citizens and

interests groups may participate in influencing decisions or asserting rights, thereby obtaining redress.

The chapter then pursued a discussion on participation which included the following key points:

- **From the fringe to mainstream** - Participation had its genesis in the 1980s in India and Kenya through a participatory approach known as 'participatory rural appraisal'. Since then participation has been employed in mainstream development. It was embraced and advocated by international development organizations such as the World Bank.
- **Exclusionary politics** - On the reverse side, there is evidence that citizens are being excluded from key decision-making processes in different fora. Cases include the processes adopted by the World Trade Organization, evidenced by massive demonstrations world-wide. One important consequence of exclusionary approaches has been the growth of international social movements.
- **Shedding old practices** - The research showed that old practices in development planning such as the Poverty Reductions Strategy Papers of the World Bank were abandoned in favour of participation methodologies.
- **Growth and imbalance of global forces** - The research has shown that there continues to be an imbalance in global and local power relations which impacts negatively on less powerful participants.
- **Participation as the new tyranny** - Development workers and researchers point out that participatory processes which were intended to depoliticize development process have had the opposite effect; hence the idea of 'participation as a new tyranny'.

The critical development outlined in the chapter was the provisions of the Promotion of Administrative Justice Act, 2000 which gave effect to section 33 (1) of the Constitution of South Africa. The Promotion of Administrative Justice Act, 2000 states that administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair (RSA, 2000: 4). Section 4 (1) directs administrators where administrative actions materially and adversely affect the rights of the public, to hold a public enquiry; call for comments from the public; and then decide whether or not to take administrative action (RSA, 2000: 4-5). The key provision of the Act is contained in section 6 (1) which provides for any person to institute proceedings in a court or tribunal for the judicial review of an administrative action. Examples where people have the right to judicial review include unauthorized administrative action; circumstances of bias; procedural unfairness; error of law; bad faith; failure to take a decision; unreasonable actions; unconstitutional actions; etc. (RSA, 2000: 6). The court or tribunal may award remedies including directing the administrator to give reasons and thereafter act according to the direction given; prohibiting the administrator from taking an action; setting aside an administrative action; declaring the rights of the affected people; and granting temporary relief (RSA, 2000: 7).

The chapter then proceeded with a discussion on participation in South Africa. The chapter showed several problems served as barriers to effective participation. These included: the lack of effective mechanisms and provision of legislation permitting government-civil society partnerships; lack of clearly defined roles of participants; disparity between rhetoric and practice; and the politics of identity hampering effective participation.

The chapter then outlined several challenges for participation in South Africa, which included: community representation; unstable ward structures; weak IDP forums; lack of municipal legislative processes (by-laws); inaccessibility of participation processes to certain parts of the community; insufficient capacity on the part of municipal officials;

and the exclusion and tensions of traditional authorities. Municipal intra-relations and extra-relations were also demonstrated as problematic in different ways.

The chapter concluded by reviewing the theoretical findings of the research on participation in South Africa. A cursory overview of the research findings include: participation has positive implications for local government-civil society engagement; the efforts at participation in South Africa to this point reveal several barriers and questions; and the outcomes of participation are still to be fully realized. However, notwithstanding the foregoing concerns, there was much opportunity for embedding participation in the form of democratic governance in South Africa.

8.2.6 Chapter 6: Research design and methodology

The structure of this study was understood as being both exploratory and qualitative. It was exploratory as it attempted to gain a deeper understanding of participatory discourse in the South African context, given that participation is a recent development. The study was also qualitative as it sought to explain the role, motivations and rationale of specific actors, namely municipal councillors and community stakeholders in participatory forms of local government decision-making. An important outcome of the study was to identify new spaces for participation in local government, thereby strengthening democratic praxis.

An innovation of the methodology was the development of a matrix linking the two measuring instruments (separate questionnaires aimed at municipal and community stakeholders) to the themes of the research. This approach ensured that the questions posed to interviewees were related to specific objectives which ensured a logical analysis and presentation of the primary data. The procedure facilitated easy reference for the findings to be examined against the three overall objectives of the research, culminating in conclusions and recommendations of the work.

8.2.7 Chapter 7: Empirical case study – eThekweni Municipality

Chapter 7 set out the analysis of data collected from the empirical study conducted at the eThekweni Municipality. The data was presented in tabular and graphical forms to allow for easy reading.

The chapter consisted of two parts, firstly, the opinions of municipal councillors and secondly, the opinions of community stakeholders. The chapter concluded with a discussion of the main findings of the research.

8.2.8 Chapter 8: Conclusions and recommendations

The conclusions of the study relate to both the theoretical and empirical sections of the study. The theoretical section of the study was drawn from the literature study, and conclusions are made regarding the theory of participation; new social contract with civil society; and the continuity of participation.

The findings of the empirical section consist of the opinions of municipal councillors and community stakeholders respectively.

The chapter concludes with a review of the aims and objectives of the study which forms the platform for the six recommendations of the study.

8.3 CONCLUSIONS OF THE STUDY

8.3.1 Conclusions from the literature study

8.3.1.1 Theoretical conclusions on democracy, liberty and participation

The work undertook an extensive review of democratic theory. The following are the general conclusions regarding democracy, liberty and participation.

8.3.1.1.1 Democracy

Robert Dahl (in Terchek, 2003: 149) made the observation that there is no single theory of democracy, only theories. The work also showed that there is no singular procedure to categorize the many different democratic theories. Some theories allow themselves to be grouped, for instance, participative and deliberative democracy when they are being tested in practice. But it must be remembered that there are discontinuities and contestation between and among theoretical frameworks.

The literature points to several assumptions about the meaning of democracy and some seemingly sound assumptions are quickly refuted. For example, Held (1993: 13) states that democracy bestows an aura of legitimacy on modern political life: laws, rules and policies appear justified when they are 'democratic'. But it is equally justifiable to claim that 'this is not always so' (Held, 1993: 13).

For Sen (2004, 1), the subject of democracy was muddled because of the way in which rhetoric was used. Sen points to the dichotomy between those who want to impose democracy in countries in the non-Western world and those who are opposed to such imposition. The idea of imposition is an explicit assumption that democracy is a Western idea, originating and flourishing only in the West.

Some theories emphasized the normative aspects of democracy. Pateman for instance, attacks the notion of democratic theory as a theory of means and ends; democracy, he asserts, is a theory unassociated with any particular ideals or ends (Pateman, 1970: 3). Democracy is (rather) a political method, meaning a certain type of institutional arrangement for arriving at political, (i.e. legislative and administrative) decision. It was the method (democratic process) that furthered other ideals, for example, justice (Pateman, 1970: 3).

The work concludes that democracy is evolutionary in nature, coming under a myriad of influences and forces, leaving both negative and positive marks on the character of democracy. However, evolving democratic theory influenced, and was influenced by a host of other theoretical frameworks, in particular, post-modernist theories, social change theories and administrative theories. In terms of this work, the critical area of influence is the reshaping of democratic governance conceptually, institutionally, and administratively.

8.3.1.1.2 Liberty

Democratic theory also generalizes about liberty and the status of people in democracies. Most theories hold that a democratic government is one where free and equal citizens participate in their own governance and make power accountable to them. Liberty is thought of as central to any form of democratic practice, but it is one of the most disputed concepts in political philosophy and beyond (Barbeck, 2006: 10).

For example, Sen (1999: 36) explores the relationship between freedom and development. Freedom is seen as a constituent of development in itself, as well as an enabler of other aspects. The instrumental role of freedom concerns the way different kinds of rights, opportunities, and entitlements contribute to the expansion of human

freedom in general, and thus to promoting development. Sen believes that instrumental freedoms must exist in order to promote development, namely, political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security (Sen, 1999: 36).

The work also showed that feminist theory rejected the assurances of liberty *vis-à-vis* liberal democratic theory. Rather it privileges the pursuit of private life; promotes the masculine character; exploits and marginalizes sections of society; and preserves conditions such as powerlessness, cultural domination and racism (Young, 1990: 122). The conclusion is that women and minorities experience the most detriments in liberal polities.

Feminist theory proposes the maximum achievable degree of liberty and equality for all, the aspiration towards complete freedom and equality. The final goal is that the universal principles of liberty and equality must provide the 'grammar' of citizenship in a progressive democracy.

The work concludes that there exists credible potential for the protection and preservation of liberty in participative forms of governance in general, and in the new spaces for participation in particular.

8.3.1.1.3 Participation

Following from theories of democracy and liberty, the work showed that participation theory forms a large body by, and of itself, as well as in relation to other theories. The work drew from classical liberal theorists including Rousseau, Mill, and Locke, showing the evolutionary line to deliberative democracy. Dryzek (2000: 8-30), for example, speaks of the theory of democracy taking a strong deliberative turn. The key challenge was how to aggregate individual preferences in a fair and efficient manner, and how to

shape institutional structures to meet the requirements of fairness and efficient decision-making. The outcome was the adoption of pluralist systems, such as representative, direct and deliberative systems.

The work focused on participation from a developmental perspective, wherein citizens are involved in decision-making, and not as simply recipients of services. The work also took the view that participation is social activity rather than an instrumental function locked within governance institutions. The outcome is empowerment of people and communities, thereby bringing new meaning to democracy in general, and governance in particular.

A key conclusion of the work around participation theory is that it is now possible to speak of dimensions of participation. These dimensions are identified and summarized below.

8.3.1.2 Theoretical conclusions on dimensions of participation

An important achievement of the work was to identify dimensions of participation. By dimensions of participation is meant the scope, extent, level, and quality of different modes, practices and processes of participation. Scope, extent, level and quality of participation constitute the descriptive aspects of the concept of participation (the what), followed by the modes, practices and processes, which constitute the action aspects of the concept of participation (the how). The descriptive and action aspects of participation form a unity in praxis, i.e. giving rise to models of participation.

8.3.1.2.1 Participation as democratic form

The work conceptualized democratic form as the mode of governing, in particular the ideological goals, qualities, processes and institutional instruments of that mode of governing. The modes of governing are conceived as alternatives to representative systems, limited to periodic voting and centralized governance institutions. Representatives were distanced from the electorate and usually did not consult their constituencies on public decisions. The representative modes of governance are thought of as obsolete, and which did not address the problems of complex societies and societies in rapid transition, otherwise known as late modernity. The critical observation therefore is that participative modes of governance are a response to social change at the respective levels of the nation state and globally.

Approaches to participative modes of governance have been proposed by the leading development organizations, including the World Bank and the UNDP and are summarized as:

- Good governance is epitomized by predictable, open and enlightened policymaking.
- Good governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate differences.
- Good governance ensures that political, social, economic and environmental priorities are based on a broad consensus in society and that the voices of the poorest and most vulnerable are heard in decision-making over the allocations of development resources.

The democratic form or mode of governance proposed by the organisations above is determined *vis-à-vis* a development framework (some may label this a neo-liberal framework), emphasizing good governance, egalitarianism, and inclusiveness.

8.3.1.2.2 Participation as space

The work referred to several authors describing the notion of spaces for participation. Among them, Cornwall writes that the new practices of participation consist of intermediate spaces that reconfigure the boundaries between citizen and state, creating spaces for participation in which agents of the state and citizens interact in new ways (Cornwall in, Fisher, 2007: 6). These spaces therefore have reconfigured the form, scope and application of formal governance institutions.

Cornwall borrows from two political thinkers to define the idea of space: Harbermans (1984) and Arendt (1965). The former conceives the public sphere as a diffuse web of institutions that offer spaces for the public to voice, share and debate opinions, arriving at common positions through rational argumentation (Cornwall, 2002: 4). The latter's notion of public domain also emphasizes the fluid nature of space, not restricted to a set of institutions. It consists of those arenas in which people and ideas come into public view, from which people derive a sense of common understanding or acceptance. Spaces arises when people come together to pursue common goals through collective political activity or through popular protest (Arendt, in Cornwall, 2002: 4).

For Lefebvre, space is a social product, a humanly constructed means of control and domination of power (Lefebvre, 1991: 24). Space is produced to overcome past actions and to enable new actions, or even, block other actions. Social relations therefore exist only in and through space; they have no reality outside the sites in which they are lived, experienced and practiced (Cornwall, 2002: 6).

Using above analysis of space, the following action spaces are possible:

- officialized space such as public consultations or user groups;
- unofficial spaces and spaces of everyday life;
- invited spaces such as local government;
- closed spaces such as those where certain actors are excluded;
- popular spaces for gatherings; and
- claimed spaces where people come together in protest against government policies or foreign interventions (VeneKlasen, et. al., 2004: 5).

Space is used both as a metaphor and as literal descriptor of arenas where people may gather. These spaces could be temporary or enduring. These spaces can be regularized by governments or they may appear from time to time in transient forms depending on policy process or circumstances of people.

The critical contribution of the work is the identification of new spaces for participation. These new spaces are highlighted below.

8.3.1.2.3 Participation as dialogue and deliberation

Dialogue is the first necessary engagement to deliberation. Dialogue navigates through the differences, interests and opinions of groups and sub-groups. Dialogue is concerned with linguistic, social and epistemological differences of groups.

Public deliberation was defined in the work as a problem-solving form of discourse which involves problem analysis, setting priorities, establishing evaluative criteria, and identifying and weighing alternative solutions. During deliberation, participants consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions, and

understandings. Ultimately such processes of group reflection are used to render a public judgment as to the best course of action.

The work identified the positive outcomes of deliberation as follows:

- reducing conflict in policy formation and decision-making;
- better, longer lasting, and wiser policy choices;
- building citizen competence;
- affording greater authority and opportunities to problem-solve thereby building the capacity of citizens; and
- cultivating mutual understanding, building bonds of trust among citizens, decision-makers and governing institutions, thereby changing political attitudes and behaviour.

However, one of the main criticisms of deliberation is that such deliberative spheres may reproduce the inequalities of society at large. While citizens may gather to debate as equals, domination by some may occur due to the uneven distribution of power. For example, the setting may favour male-centred citizenship. Or inequalities may be fostered through the dominance of a political party in control of a sphere.

A further criticism is the approach to language used in deliberation which can also create inequalities. Bourdieu (in Baiocchi, 1999: 4) show that deliberation and participatory democracy can reproduce certain types of hierarchies. The potential is to reproduce class hierarchies; and hierarchies of political competence such as 'experts' against 'non-experts'. Language may therefore reproduce both instruments and mediums of power.

8.3.1.2.4 Participation as rights

The work has established that participation is a right in South Africa. Participation is a recurring theme and legal imperative set in a number of policy documents and legislation. While this work emphasizes participation at the local government sphere, participation is also expected practice and has featured at the national and provincial spheres. International research shows that one area in which rights to participation are embodied into law is that of local governance.

Participation as a right also contains other meanings. Rights are also claimed as human rights. The right to participation is probably a more empowered form of engagement than participation by invitation of governments, donors, or higher authorities (Gaventa, 2004: 154). It was also indicated that any view of democracy also implies a view of citizenship, and the rights and duties associated with it. Rights associated with democracy include not only political and civil rights, but also social rights and, in other views, the right to participation, including the right to claim rights and to create new rights through social demands.

Cornwall (2003: 1) suggests that there is renewed concern with rights, power, and opinions about participation in governance. The drive is to create greater opportunity for deliberative democracy. Accordingly, it is believed that citizen participation makes for better citizens, better decisions, and better government.

Lundberg (2004: 1-2) addresses the human rights-based approach in association with development, in particular decentralized governance. Lundberg proposes that a human rights approach to decentralized governance is critical to protecting and promoting the freedom of men and women to lead the kind of lives they choose in dignity, free from injustice and humiliation. Lundberg suggests that the approach to rights-based

decentralized governance should attend to three critical functions: monitoring, co-ordination and engagement:

- Human rights monitoring – A human rights approach must include a process of regular assessment of the status of human rights accomplishments and failures in particular areas.
- Co-ordination of local and national priorities and programmes – Budgeting and programme planning systems need to be redesigned to ensure local empowerment have an impact on central budget and utilization. System coherence is critical because local and national government moving at cross purposes can easily undermine any gains made through the decentralization process.
- Engaging public ownership – Decentralized governance potentially provides a vital platform for regular review of achievement in human rights and serves as a mechanism for flexibly integrating national and local development programming priorities into a coherent whole (Lundberg, 2004: 1-2).

While human rights may be a celebrated cause for many organizations, the critical challenge is perhaps the need to ensure that formal rights are actually realized in people's lives (VeneKlasen et. al., 2004: 1). This concern has become known in the literature as 'rights-based approaches' to development. The authors state that the rights-based approach to development must:

- Include marginalized groups as decisions-makers and foster their critical consciousness to influence and transform power dynamics that affect their lives.
- Go beyond token consultations in projects and policy to local groups being involved in agenda setting and having the ability to hold government accountable.
- Build new leadership, expand strategic and political experience, and foster informed citizenship.

- Change decision-making structures and processes to be more inclusive of citizens' interests.
- Promote individual and group rights and link them to problems and solutions.
- Unpack assumptions about equality of power and homogeneity of poor communities.
- Unravel power hierarchies within communities.
- Supplement local choices with expert knowledge.
- Recognize the differences between closed, invited and claimed spaces of participation (Veneklasen et. al., 2004: 6).

The rights-based approach can therefore be seen to go beyond a narrow focus on technical skills such as those of political analysis, capability for assessing contexts, risks, power and causes of problems.

However, a key criticism about the rights approach is that it does not necessarily include the issues of accountability and capacity to deliver resources and justice. A right, despite appearing formally in constitutions and legislation, differs radically from issues of entitlement and economic rights. South Africa is a good example of the divide between politically enshrined rights and social and economic rights. For example, the South African government recognizes the right to supply-side measures (education, health, housing) for all citizens, but budgetary constraints may limit the distribution of such rights. The net effect of such a dilemma may be that sections of the citizenship may form negative impressions of participation, thereby rejecting its legitimacy.

8.3.1.2.5 Participation as development

Participation has featured in the development discourse since the 1980s and has come to take on varied meanings. Previously the concept referred to participation in the social arena, in community, or in development projects. The concept appears differently in the

literature to mean 'opening up', 'widening', 'broadening', 'extending' and 'deepening' in reference to new opportunities or spaces for citizens and civil society to participate in development decision-making (Cornwall, 2002: 1).

The relationship between democracy and development is also a common feature in the literature. Stiglitz (2002: 163-182) argues that participatory processes (such as 'voice', 'openness' and 'transparency') promote successful long term development. Stiglitz stresses that an understanding of the centrality of open, transparent, and participatory processes in sustainable development helps to design strategies and processes that are more likely to lead to long-term economic growth and thereby to the transformation of society. Put in the words of Stiglitz, the development paradigm sees development as a transformative movement known as the 'comprehensive development paradigm' which includes the following:

- Participation is broad range – Participation includes all spheres of government, the workplace and capital markets.
- Corporate governance and economic efficiency – Corporates are public institutions as they collect funds from the public for investment in productive assets. Workers, stakeholders and managers therefore have a fiduciary position of trust. Corporate governance laws must therefore promote equity and economic efficiency.
- Making change acceptable and the acceptance of change – Development requires a change of mind set and, since change is often threatening, participatory processes ensure that concerns are addressed, thereby dissipating resistance to change.
- Participation and project effectiveness – Participation brings with it commitment (to greater effort), making projects and programmes successful.
- Knowledge economy – The knowledge economy leads to change. Success in a knowledge-based economy will require a highly educated citizenry, which makes participation more effective.

- Participatory process and effectiveness of decisions – It was previously thought that participatory processes inhibited quick decision-making for rapid economic growth. However, the evidence for this claim has not been established. Instead, the literature focuses on the advantages of decentralized decision-making.
- Participation and political sustainability – When democratic processes work well (that is, when the majority does not simply impose its will on the minority, or conversely), they promote a process of consensus-building (Stiglitz, 2002: 164).

As part of the development discourse, the concept of the 'developmental state' is generally used to mean a state that drives development, in contrast to a free-market approach. The developmental state emphasizes the participation of workers and civil society.

Edigheji also rejects the classical state and proposes the following conceptualization of the democratic developmental state:

- civic identity to replace consumer identity;
- co-operation to replace conflict;
- common wealth to ascend over private wealth;
- citizen participation to replace apathy and disengagement; and
- everyday politics to be preferred over career politics (Edigheji, 2005: 5).

Democracy and development must therefore go hand in hand - mutually reinforcing each other through socio-economic justice. Some of the objectives of the democratic developmental state must include:

- the alleviation of absolute and abject poverty;
- the correction of glaring inequalities of social conditions (between genders, classes, regions, and ethnic groups);

- provision of personal safety and security; and
- the tackling of looming threats such as environmental degradation (Edigheji, 2005: 5).

Accordingly, participation has been given prominence in governance, *vis-à-vis* the developmental state.

8.3.1.2.6 Participation as decentralization

The literature is replete with rejection of the centralized state. The key complaint is directed at the inefficiencies of large public administrations in favour of 'smaller government'. Heller (2001: 131) identifies the argument of disenchantment with centralized government and bureaucratic states as the reason behind decentralization. Decentralization consists of strengthening and empowering local government to make government more efficient, more accountable, and more participative. These objectives are intended to be realized by shifting decision-making and by transferring allocative and implementation functions from central government to local government.

In terms of the participatory discourse, decentralization contributes to democratic deepening if and when it expands the scope and depth of citizen participation in public decision-making. Accordingly, expanding the depth means including previously marginalized or disadvantaged groups into public or local politics and expanding the scope means including a wider range of social and economic issues into local politics.

Decentralization therefore means redistributing political power vertically and horizontally; vertical redistribution means including the public, and horizontal redistribution means increasing the domain of collective decision-making according to issues, participative instruments, etc. Viewing decentralization in these ways also means deepening democracy, as well as empowering local government, as well as citizens.

Pieterse (2000: 54) views decentralization as political and administrative reforms that facilitate democratic governance towards improving economic growth and development. Decentralization is justified in contexts of resource constraints and limited institutional capacity. The emphasis is on improving economic efficiency rather than political processes.

Decentralization includes the principle of subsidiarity meaning that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate authority or local level of government. The principle is associated with the ideas of proportionality and necessity.

There are arguments for and against decentralization. Wittenberg (2003: 6-9) presents arguments in favour of decentralization, in terms of democracy, efficiency, and development, in the following ways:

In terms of democracy:

- Decentralized local governments are more likely to be accountable to their constituencies.
- Decentralization increases opportunities for people to become directly involved in government decision-making.
- Political positions at the local level act as training ground for national leadership.
- Decentralization contributes to the creation of checks and balances within the political system.
- The proliferation of elected structures induces a culture of political debate and civic mindedness.
- Local choices lead to a greater variety of lifestyle options for its citizens Wittenberg (2003: 6).

In terms of efficiency:

- There are significantly lower transactions costs involved with producing services locally.
- There is likely to be a closer fit between the preferences of local populations and the services rendered if the decisions are made locally.
- Local governments may be more effective at raising revenue.
- Local populations are able to compare the performance of their government with others, thereby providing a disciplining force on that government.
- Local governments are better able to deal with the free rider problems associated with the provision of certain communal goods (Wittenberg, 2003: 8).

In terms of development:

- There is a greater ability to innovate in a decentralized system; and
- it allows for policy experiments across local governments, thereby allowing for greater learning (Wittenberg, 2003: 9).

However, decentralization is also criticized according to the following assumptions:

- Macroeconomic stabilization may be easier if budgets are centrally controlled.
- Key developmental projects may create significant externalities (occurs when a decision causes costs or benefits to third party stakeholders) leading to local governments rejecting them.
- The effectiveness or otherwise of a decentralized programme is likely to depend on the particular institutional and social configuration within which it occurs (Wittenberg, 2003: 9).

Decentralization can also encounter problems when certain conditions are not present. These may include the following:

- political instability;
- poorly regulated inter-governmental relationships and poor or non-existent co-ordination;
- authoritarian and centralized management styles;
- fiscal dependency or reduced fiscal authority;
- inefficient and ineffective administrators;
- national state control of financial, economic and political power;
- inadequate representation and participation of civil society and political groups; and
- a lack of institutional frameworks and political culture, which translates into apathy, indifference and lack of social mobilization (Pieterse, 2000: 55-56).

Decentralization is therefore a means to achieve good governance, and public participation is legitimizing and connecting factor between decentralization and good governance. .

8.3.1.2.7 Participation as accountability

Accountability, in particular the lack of accountability, is a key concern of government bodies, international donors, policy planners, observers and citizens alike. Cornwall and Gaventa (2001: 32) speak of a 'crisis of legitimacy' between citizens and the institutions that affect their lives around the world. The authors refer to mounting disillusionment with government based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of a sense of connection with elected representatives and bureaucrats.

As a response to the above concerns, traditional forms of political representation are being re-examined. The two main concerns being raised are: how can citizens, especially the poor, express voice; and how can institutional responsiveness and accountability be ensured?

Ackerman (2005: 3) refers to three threats in developing countries, namely, corruption, clientelism, and capture. The three problems refer to the use of public office for private gain with far-reaching consequences. They impact in the following ways:

- corruption - enriches individuals, distorts markets, and hampers service delivery;
- clientelism – unfairly channels public resources to specific client groups, alters the dynamics of political competition, and leads to the ineffective provision of public services; and
- capture – provides rents to specific economic actors, alters markets and worsens the position of consumers, workers and the environment vis-à-vis corporations (Ackerman, 2005: 3).

Ackerman argues that the best way to combat this ‘three-headed monster’ and thereby guarantee the interests of the state is by strengthening government accountability. Accountability is understood in terms of the following elements:

- punishment or sanction – accountability means punishment to those the state and public hold as accountable;
- answerability – means the obligation of public officials to inform about and explain what they are doing; and
- enforcement – relates to the need for oversight institutions to impose sanctions on those who have violated their public duties (Ackerman, 2005: 3).

From the foregoing it would appear that process-based evaluation, in keeping with the New Public Management model, is not sufficient. The idea is therefore for society to play a leading role in evaluating the performance of government in terms of quality and outcomes. This approach fits very well with the assumptions of the participation discourse which would ensure that rules are enforced and that mandates are delivered efficiently and effectively.

However, the achievement of accountability is not straight forward. Fung (2004: 1-16) analyses some of the problems and suggests remedies for them, including:

- Unstable preferences – when preferences are unclear or change easily after reflection and discussion. This problem may arise from ignorance or misinformation. The innovation is deliberative polling, town meetings, or participatory assessment and special meetings to gauge felt needs.
- Thin representation – when representatives do not know the content of the public will. The problem may arise from new issues arising in between elections or when elections and campaigns do not signal important issues. The innovation is ‘communicative reauthorization’, meaning revisiting the will of the public; or maintaining a ‘two track democracy’, i.e. combining deliberation with representation’.
- Low accountability – when elected and appointed officials act in their own interest. The problem may be due to weak monitoring and accountability systems. The innovation is to consult interest groups and conduct listening exercises within the local area.
- Low capacity – when government cannot deliver outcomes. The problem may be due to lack of resources, knowledge, or authority to address a public issue. The innovation is empowered participatory governance as implemented in other parts of the world including, Kerala in India, Porto Alegre in Brazil, and so on (Fung, 2004: 1-16).

Accordingly, participation as accountability can be a powerful dimension to correct deficiencies where democratic systems are weak, as well as to strengthen good governance in other democratic systems.

Following from the dimensions of participation, the literature study and subsequent categorization of different theories revealed that it was possible to speak of new spaces for participation summarized below.

8.3.1.3 New Spaces for participation

A key focus of the work has been to identify new spaces for participation. Following from identifying the dimensions of participation, it was possible to identify the following new spaces for participation. These include: poverty and development; public administration; and administrative justice.

8.3.1.3.1 Poverty and development as space for participation

The work showed that popular pressure has opened up spaces in governmental decision-making processes. Environmental activists in particular have played a major role in creating awareness that people must have a say in decisions that affect their lives and well-being.

The late 1990's was also a critical phase in both development rhetoric and policy approaches in the fight against poverty. International development agencies took the lead to dispel many of their own assumptions about poverty, sustainable development and related economic instruments. The key issues concerned developmental strategies, gender, and governance. A reexamination of the approaches brought to the forefront the role of participation in eradicating poverty.

In terms of developmental strategies, the World Bank, for example, has admitted that despite huge sums of money being directed to developing countries, poverty and inequality is increasing. The World Development Report 1999/2000 (World Bank, 2000: 14-21) admits that their developmental approach was not succeeding. Rather, the Bank now includes the following elements for successful development:

- the emphasis on beneficiary participation;
- responsiveness to gender concerns;
- government ownership of projects;
- the role of social capital; and
- networks of trust and association (World Bank, 2000: 15).

The focus on gender is particularly important, with the acceptance that improvements in gender equality reinforces other elements of the development agenda. Women who have low levels of education and training, poor health and nutritional status and limited access to resources have the effect of reducing the quality of life of the entire population. Discrimination against women then impairs other elements of sustainable development.

Further, the World Bank's 2000/1 study, *Voices of the Poor* study illustrates the point that there is a growing gap between the poor and the institutions of government. Many poor people perceive the institutions of the state to be distant, unaccountable, and corrupt. The study, conducted in 23 countries makes the following conclusion:

"From the perspective of the poor people world wide, there is a crisis in governance. While the range of institutions that play important roles in poor people's lives is vast, poor people are excluded from participation in governance. State institutions, whether represented by central ministries or local government are often neither responsive nor accountable to the poor; rather the report details the arrogance and disdain with which

poor people are treated. Poor people see little recourse to injustice, criminality, abuse and corruption by institutions. Not surprisingly, poor men and women lack confidence in the state institutions even though they still express their willingness to partner with them under fairer rules.” (Narayan, et. al, 2000: 172)

As a way forward, the Report proposes participation and empowerment as key ideas in the development approach.

The World Bank’s 2005 World Development Report cemented the notion of popular participation at the local sphere in international terms. In focusing on empowerment (of communities) under the heading “Popular participation and equitable transitions at the local level”, the Bank had this to say:

“Promoting equity through action requires changes in the existing configurations of power and influence. Because established institutions privilege certain interests and marginalize others, making governance institutions more democratic and more equity-enhancing calls for reforms that increase the possibilities for effective for effective participation traditionally marginalized groups” (World Bank, 2005: 70).

It is therefore clear that local government is that crucial domain for the exercise of democratic rights and effective public choices. In substantiating this claim, the Bank goes on to use the case studies of Kerala in Indian and Porto Alegre in Brazil to show how initiatives to deepen democracy and expand the social actors participating in the political arena have led to effective development and transformation.

8.3.1.3.2 Public administration as space for participation

The notion of public administration as a space for participation does not have currency in South Africa. Mostly, the literature treats the local sphere in abstract terms without

referring directly to the key actors such as public officials and public institutions in that sphere. However, increasingly, as participation becomes operationalised through local projects, the implication for public administration is becoming more evident.

Public Administration is being viewed as the key to unlocking the service delivery potential of governments world over (Fraser-Moleketi, 2004: 3). And people are responsible for holding government accountable. Fukuyama, for example, argues that “holding government agencies accountable to the public is to some extent a matter of institutional design and internal checks and balances; but ultimately, it is the people whom government supposedly serves who are responsible for monitoring its performances and demanding responsive behaviour” (Fukuyama, 2004: 40).

Additionally, Gildenhuis (1988: 343) provides further content to a new approach to public administration and suggests the following be included in the knowledge and skills base of public administration:

- insight into policy analysis;
- respect for societal values;
- moral integrity and sensitiveness;
- sensitiveness to public opinion;
- requirements for successful public managers; and
- a service ethic to the individual (Gildenhuis, 1988: 343).

The attempt to redefine public administration includes the stress on the environment, values, politics, policy-making, policy implementation, and management. This approach has become known as the open system of public administration as developed by Schwella (in Fox, 2006: 134). The open system is viewed as sub-system of society where the full needs of citizens are transformed *vis-à-vis* the political processes and structures of governmental goals and objectives.

8.3.1.3.3 Administrative justice as space for participation

The work has shown that participation can be entrenched in legal, institutional, and administrative arrangements. Administrative law concerns the interface between citizens and the legislative, executive, and administrative arms of government, including governmental agencies and spheres of government such as local municipalities *vis-à-vis* judicial review. Judicial review concerns the power of the courts to examine the actions of government and to determine whether such actions are consistent with the Constitution, relevant legislation, and regulations.

Vose (1966: 85) refers to judicial review as judge-made doctrines to govern state and local practice. This refers to the power of courts in limiting municipal rule against state policy. Essentially the courts decide on what is constitutional and unconstitutional; interpret statutes, administrative rules and regulations; and adjudicate the rulings of other institutions such as lower courts.

The Promotion of Administrative Justice Act, 2000 gives effect to section 33 (1) of the Constitution of South Africa, which provides that all people have the right to administrative action that is lawful, reasonable and procedurally fair and Section 33 (2) states that where people's rights have been adversely affected by administrative action, they have the right to be given written reasons. Further, and more importantly, section 33 (3) requires national legislation to be enacted to give effect to these rights where, among others, provision must be made for the review of administrative action by a court or an independent tribunal (RSA, 1996: 16).

Section 3 (1), (2) and (3) of the Promotion of Administrative Justice Act states that administrative action which materially and adversely effects the rights or legitimate expectations of any person must be procedurally fair (RSA, 2000: 4). Section 4 (1) directs administrators to hold a public enquiry where administrative actions materially and

adversely affect the rights of the public, call for comments from the public, and then decide whether to take the administrative action with or without changes (RSA, 2000: 4-5). The key provision of the Act is contained in section 6 (1) which provides for any person to institute proceedings in a court or tribunal for the judicial review of an administrative action. Examples where people have the right to judicial review include unauthorized administrative action; circumstances of bias; procedural unfairness; error of law; bad faith; failure to take a decision; unreasonable actions; unconstitutional actions; etc. (RSA, 2000: 6).

The court or tribunal may award remedies, including: directing the administrator to give reasons; acting according to the direction given; prohibiting the administrator from taking an action; setting aside an administrative action; declaring the rights of the affected people; and granting temporary relief (RSA, 2000: 7).

The Constitution of South Africa and the provisions of administrative justice legislation in South are clearly intended to promote not only transparent government, but effective decision-making where the public has a direct input. Judicial review allows for the public to challenge administrative decisions and processes.

A landmark court case in South Africa which challenges government on the basis of administrative justice is the *Mazibuko vs City of Johannesburg* - Johannesburg High Court Ruling – 30 April 2008. Since the ruling is on appeal, the final outcome of the legal proceedings will demonstrate the potential and strengths of administrative justice in the future.

Following from identifying new spaces for participation, the work emphasized the role of civil society and suggested a social compact with government, summarized below.

8.3.1.4 New social contract with civil society

The work has demonstrated that there is a social compact between governments and civil society. The social contract school produced the concept of 'social capital', referring to all the social networks which are seen as necessary conditions for good governance locally and nationally.

Critically, international organization such as the UNDP embraces the work of civil society organizations and considers them a social safety net in the context of social and economic development (UNDP, 2003: 85-86). The UNDP views the shift from participating in the struggle against apartheid to one of social and economic development as a constructive role. It is believed that civil society organizations create new opportunities for large numbers of people, and whole communities benefit from their services. The UNDP classifies such civil society organizations involvement in terms of mutual aid or self-help; philanthropy or service to others; stakeholders in participation; and advocacy and campaigning.

Participation has brought the international civil society formation within the folds of decision-making, resulting in protocols and new institutions such the World Social Forum, World Economic Forum; and the International Association for Public Participation.

The work has also referred to important models of participation. These include, IDASA, IAP2, GGLN, eThekweni Municipality, and the SA Department of Environmental Affairs and Tourism.

These models of participation support the formal participative fora between local governments and ward committees. Ward committees compose a wide range of community representation and interests. Ward committees, combined with various

consultative strategies provide a comprehensive and radical approach to social compact in South Africa.

Finally, the work referred to the transient and evolutionary nature of participation. Hence the suggestion of continuity of participation, summarized below.

8.3.1.5 Continuity of participation

The future of participation can be determined from the different views on the subject, as well as the extent of its practice. Measuring the success of participation approaches and techniques is beyond the scope of this work, although such measurements would be a valuable contributor to the discussion. However, the findings of the empirical study do partly contribute to the general positive conclusions of the work.

The work has shown that developments in the participation discourse reveals a shift from alternative, radical attempts by NGOs struggling for agency in certain countries, to mainstream acceptance of the concept world-wide, and by organizations previously resisting such radical attempts. It is now common knowledge that where participatory approaches were once evident on the fringes of the political spectrum, they have now become an instrument employed by governments in many parts of the world and by global developmental institutions.

The work takes the view that the optimism about the future of participation is both hopeful, and speculative. Davids et al (2005: 112) provides an approach that strongly emphasizes that citizens' (public) participation should become a way of life. Referring to the Manila Declaration, the four participation principles are set out as follows: sovereignty resides with the people, the real actors of positive change; the legitimate role of government is to enable the people to set and pursue their own agenda; to exercise their sovereignty and assume responsibility for the development of themselves

and their communities, the people must control their own resources, have access to relevant information and have the means to hold the officials of government accountable; and those who would assist the people with their development must recognize that it is they who are participating in support of the people's agenda, not the reverse (Davids et al, 2005: 112). The value of the outsider's contribution will be measured in terms of the enhanced capability of the people to determine their own future.

The above principles are echoed in the African Charter for Popular Participation in Development and Transformation 1990 (in Davids, et al, 2005: 207-219). The following statement is taken from the Charter:

"We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitable benefits" (Davids et al, 2005: 210).

Additionally, at the international level, the International Association for Public Participation (IAP2, 2000) sets out the core values for participation as follows: the public should have a say in decisions about actions that affect their lives; public participation includes the promise that the public's contribution will influence the decision; the process communicates the interest and needs of all participants; it seeks out and facilitates the involvement of those potentially affected; participants are involved in defining how they participate; communications are put out to participants about how their input affected decisions; and the public participation process provides participants with the information they need to participate in a meaningful way (IAP2, 2000).

The views on participation are noticeably divided. However, it must be noted that the points of divergence do not necessarily relate to common issues or themes. Within the critical camps and likewise with the supportive camps respectively, there are points of views that relate to different dimensions and modes of participation, and different contexts.

Participation practice opens up several questions such as aims, roles, processes, inclusiveness, power relations, barriers, and so on. It can be seen that at one end of the scale, participation has been defined severally in terms of democratic form and practice, while at the other end of the scale, there remains important unanswered questions and even dilemmas for both theory and praxis.

The final conclusions of the study are drawn from the empirical study. Support for participation is clearly evident from stakeholders *vis-à-vis* their experiences and opinions of participation. The future prospects for praxis, type, and extent of support are summarized below.

8.3.2 Conclusions from the empirical study

8.3.2.1 Councillors of eThekweni Municipality

The work shows that the empirical study confirms key assumptions made at the outset of the work, in particular, that participation has varied meanings. For example, while participation appears to be broadly supported, such support is differentiated along a host of ideas; or where the concept is contested, it has different meanings in different contexts. The work also pointed out that one radical view of participation is that participation is a new form of tyranny, directed at pursuing undemocratic ends.

The findings show that while there is extensive awareness of and overwhelming support for participation, there are differences of perspectives with regard to interpretation, perceived effectiveness, and cross-cutting participative roles of ward committees and councillors. This means that participatory processes may challenge the normative structure of implementation. Participation may also not meet divergent expectations as a matter of course. Therefore participatory praxis must be likened to a matrix structure with unknown qualities.

On the whole, councillors were supportive of participative approaches, but maintained a degree of cautiousness at one end of the scale, and felt threatened at the other end of the scale, about the role of community stakeholders. However, councillors did indicate considerable agreement for parallel representative and participative approaches.

Given that the (majority party) ANC view prevails at local and national levels, the participative approach may convey political bias, discouraging other potential participants. Social movements, for example, prefer to keep a distance from participative processes. Participation then may be considered exclusionary under certain circumstances.

Councillors were also supportive of the judicial review process, but the indication is that they would need extensive capacity building on understanding these new spaces.

8.3.2.2 Community stakeholders

The work shows that civics and ratepayer organizations have the potential for effective participation. It is also clear that community stakeholders supported parallel representative and participative approaches.

The finding of the empirical study shows that community stakeholders participated in issues including IDP, local budget, LED, infrastructure development, community halls, cultural activities, and health. Community stakeholders had prioritized all economic, social, and cultural issues for participation with the eThekweni Municipality.

In terms of the outcomes of participation, the majority of community stakeholders indicated that their organization's participative efforts ranged between effective and very effective.

In terms of reasons for the success of their participation, community stakeholders indicated that:

- they were given a full and fair hearing;
- their organization's views were accepted as part of future plans;
- the views of other stakeholders also impacted on future plans;
- they were confident that their organizations were playing a purposive role in local government matters; and
- officials and councillors were positively influenced by participants' inputs.

The above indicates a positive attitude and outlook, as well confidence in future participative processes on the part of community stakeholders.

For the relatively small, but significant, proportion of respondents that did not support participation, their reasons included the following:

- certain participative efforts were not successful;
- some stakeholders believed that the eThekweni Municipality is not keen on engaging with them;

- some stakeholders would like to participate but feel that certain social movements were excluded from participating in important decisions such as housing and basic facilities;
- some stakeholders believed that there were alternative ways to influence decisions; and
- certain stakeholders would not like to participate as participation happens only for election (or political) purposes.

The above concerns by the minority can easily be clarified and settled through bilateral consultations between the eThekweni Municipality and those affected. The initial approach, however, should be taken by the municipality.

Finally, being supportive of the judicial review process, community stakeholders can become effective participants and influencers of new participative spaces.

8.3.3 Review of aims and objectives of study

The conclusions of the empirical study can be viewed against the aims and research problems of the study.

The aim of the study was to evaluate the participatory policy framework in South Africa.

The objectives of the study were:

- firstly, to examine the relationship between representative democracy and deliberative democracy and how they are practiced in the local government sphere in South Africa;
- secondly, to observe and comment on whether participatory policy coheres at the local sphere in South Africa; and

- thirdly, to evaluate the contrasting debates and approaches to effective participation at the local government sphere, in particular the possibility for new spaces for participation in South Africa.

In terms of the aims of the study, the work revealed that the participatory framework is based upon extensive theoretical and policy understandings. Participation is adequately captured in constitution and legislative instruments. The national policy on participation is a concrete outcome of South African local government preparedness to engage in meaningful participative discourse and praxis.

In terms of the research problems of the study:

- There is agreement on the part of stakeholders about engagement in parallel representative and participative forms of governance.
- Local government participative policy appears sound, but there is a need for convergent understanding on the part of the different participants, namely, municipal councillors, community stakeholders, and actors within the municipality.
- There is evidence of both agreement and disagreement on aspects of participatory practice, but, on the whole, participants have taken a knowledgeable and practical approach to new spaces for participation.

Finally, based upon the findings of the work, it is now possible to make certain recommendations which fall within its scope. The six recommendations are summarized and motivated below.

8.3.4 Recommendations of the study

The study makes six recommendations:

- Brief and consult councillors, community stakeholders, and municipal actors on the findings of the study. This exercise will serve two purposes, namely, to verify the findings of the study, and to develop a concrete programme for participation in the eThekweni Municipal Area, including a code of best practice.
- Develop a capacity building programme on judicial review for the three categories of stakeholders, namely, municipal councillors, municipal officials, and community stakeholders.
- Further research is required on democratic participative forms at the local government level, with particular focus on effective praxis through administrative justice;
- Initiate developmental programmes and case studies based on participation praxis to address the most acute problems experienced by select local communities;
- Engage stakeholders in government's initiative of provincial and local government policy review process. Basically the policy review process reinforces the characteristics and outcomes of developmental local government, but emphasizes inclusivity of local citizens in decision-making; and finally;
- Contribute to participation theory by triangulating and establishing the theoretical relationships of participation, democracy and governance.

8.3.4.1 Brief and consult councillors, community stakeholders, and municipal actors on the findings of the study

Briefings and consultation will allow the research to test its conclusions, as well bring new insights to the work. The first recommendation therefore includes involving

municipal stakeholders in a new round of engagement. This process will allow all stakeholders to review their respective approaches to participation policies and practices. The outcome of this process will also contribute to furthering best practice.

The study evoked considerable interest among the different role players at the eThekweni Municipality. Many indicated that they have not been exposed to several concepts, ideas and questions raised during the research process. For example, the idea of new spaces for participation elicited particular interest among the different local government actors. As a sub-group, councillors, for example, indicated that judicial review as a process to influence the decision-making process was beyond their current knowledge of participation discourse.

Community stakeholders were also interested in the potential for the courts to review local decisions. They saw this approach as an important strategic advantage enhancing their roles as community stakeholders.

Consequently, both councillors and community stakeholders were interested in pursuing the subject of new spaces for participation further, as well as developing their respective agencies for effective participation.

With respect to the third sub-group of municipal officials, and since the study did not test their views on their roles in the participation process, a general briefing to, and consultation with, this group will bring much value to both the work and the local participation process. Municipal officials could play an important role in the third recommendation, namely effective praxis through administrative justice.

8.3.4.2 Capacity building programme on judicial review for municipal councillors, municipal officials, and community stakeholders

Briefings and consultation for academic purposes must be followed by capacity building programmes. The target audiences include the three important categories of actors, namely, municipal councillors, municipal officials, and community stakeholders. The capacity building programmes should be co-ordinated by the eThekweni Municipality with the assistance of independent experts. The capacity building programme may then be extended to other municipalities across South Africa.

The overall purpose of the capacity building programme shall be to promote common understanding of participation in practice and to promote social dialogue which will contribute to reduced conflict, reduced competition for municipal resources by communities, and more effective service delivery approaches.

The net effect of social dialogue and closer collaboration with communities will be trust and confidence in the political and operational instruments of the municipality.

8.3.4.3 Further research on effective praxis through administrative justice

The third recommendation is further research into the understanding and application of judicial review in the local government context. A body of theoretical knowledge needs to be created around the subject which must then serve policy planners at national level as well as the different groups interested in the participation discourse.

The Promotion of Administrative Justice Act, 2000 effectively supports the Constitution of South Africa, but is yet to be understood outside of the legal domain. Additionally, the National Policy Framework for Public Participation, 2005 is already in place and can serve as a platform for building the knowledge base of judicial review. The policy makes

reference to the evolving approach in practice, which is however still locked into a passive 'recipient' mind-set (RSA, 2005: 6). This means that the policy is conscious that communities continue to expect government to deliver development, rather than supporting people to achieve their own development. The policy identifies this mind-set as the main barrier to more empowering participative systems.

This work is therefore timeous and opens the way for further research into more empowering approaches to participation praxis in different localities. By drawing on comparable anthologies in the international literature, the work has shown that judicial review has contributed to the strengthening of participative systems in other countries.

8.3.4.4 Developmental programmes and case studies to address acute problems of local communities

Chapter 5 (5.2.2) of the study showed in the literature that poverty has become a space for participation. Key developmental organizations, including the World Bank, have proposed that successful development includes an emphasis on participation; responsiveness to gender concerns; the role of social capital; and networks of trust and association. The above postulation is supported by this study.

Despite an overall perception of the positive impact of participation, the study identified in chapter 7 (7.3.11) that on aggregate about 50% of community stakeholders believed that community consultation resulted in positive changes to decisions affecting them. This indicates that participation praxis can be improved.

The final recommendation is therefore directed at the eThekweni Municipality, which should conceptualize and initiate development programmes based on participation praxis to address critical issues such as housing, basic service delivery, transport, health, and security in selected communities, including informal settlements.

These programmes must be documented as case studies nationally and internationally.

8.3.4.5 Review of provincial and local government policy processes

In 2007, the Cabinet of the South African government directed a review process of the provinces and local governments which is aimed at enhancing their constitutional foundations, as well as improving the overall governance system in line with international experience (DPLG, 2007: 3). Critically, participation is a major subject of the review process both, as procedure and democracy building (DPLG, 2007: 11). Citizens are encouraged to participate actively at four levels: as voters; as citizens who express their views in policy processes through various stakeholder associations; as consumers and end-users of government services; and as organized partners involved in the mobilization of resources for development *vis-à-vis* businesses, NGOs and CBOs (DPLG, 2007; 12). Citizen participation is clearly a strategic capacity and imperative of local government.

This work may have implications for government's review process. The work has shown that South African local governments are polities in their own right; that citizen participation is at the centre of the system of local governance; and that an emerging system of administrative justice intends to support local decision-making processes. This finding means that:

Participation is constitutionally and legislatively entrenched: The work demonstrated that participation in South Africa is taking on an identifiable democratic form, representing both political will and constitutional imperative to entrench democracy normatively at the base of South African society. There are clear endeavours to support the normative efforts with an injection of administrative justice that is accessible to all citizens.

That the policy review process is being influenced by developments on the ground: Practitioners, officials of local governments and other stakeholders must be acutely aware of the policy cycle process (viz. policy planning; policy implementation; and policy evaluation) and the space between theory and the experience of participation on the ground. There were several problems and complexities which practitioners must be aware of. Local government institutions in particular must not make the assumption that participation praxis is a one size fits all approach. Importantly, the work revealed that while the participation policy and implementation process is a relatively recent development, it has been adopted with enthusiasm and is an ongoing project of the South African developmental state. However, the participatory project is still to take a firm hold with regard to translating into real successes at the local sphere.

The role of civil society is formally established, thereby deepening democracy: There is overwhelming evidence that South African civil society has embraced participatory process. Individual citizens have also seen the potential of participatory approaches to gain social and economic rights. The work has also shown that the participation discourse also holds immense interest among academics, researchers and development workers for its potential towards forging improved forms of democratic praxis.

There are gaps in current legislation: Finally, the work highlighted the gaps in normative arrangements, in particular legislation which may limit effective participation; showed instances where implementation was complex and undergirded by a host of questions, ethical and context-specific factors; and suggested that the participative framework was diffuse, transitory, and adaptable.

Given the above, it is clear that the work can contribute positively to the debates, in particular to stakeholder empowerment where civil society for example, can have a framework to enter the debate and the policy review process.

8.3.4.6 Triangulating of participation, democracy and governance

The final recommendation of the work is that the relationship between participation (theory), democracy (in practice) and local governance (institutions) should be addressed. The work has shown that research indicates that the experience of participation on the ground is mixed. Participation is embraced and rejected respectively, depending on who is viewing it, and the lenses used to view it. The implications for theory and praxis are therefore complex and multi-dimensional.

The work also showed that success of participation methods also depended upon the processes and institutions employed. Participation as democratic method also came under inquiry, and was shown to bring problems such as accessibility, cultural and gender issues, and so on. Participation as method therefore has implications for democracy in practice, followed by good local governance.

The work also indicated that participation practice needed to be measured credibly. However, the experience and literature did not show such evidence, suggesting that there is scope for developing accurate measuring tools for participation practice.

The work also indicated that the concepts of participation, democracy and governance was adequately described and analyzed. However, the relationship between and among the three concepts were neither established, nor explored. This exercise will have both theoretical significance, as well as practical implications.

8.4 CONCLUSION

This final chapter cast both a meta- and a micro-view on the subject of participation. The chapter emphasized the observation that while the theoretical overview of the

subject matter was immense, the reality of praxis could be understood as transitory and ongoing. This understanding avails South African policy-makers with an open opportunity to implement a participation system that would benefit government, citizens and the democratic project itself. The key opportunity revolves around the idea of *new spaces of participation* which need to be identified and agreed upon by all stakeholders in local governance.

The conclusions of the study reflect positive views in respect of the ideational foundation of the concept of participation, the willingness of civil society to partner local government, and the willingness by community actors to adopt democratic praxis as new spaces evolve in the future.

Finally, the six recommendations of the work can serve to advance research and policy planning activities in the effort to deepen and pervade democratic practice in the local government sphere in South Africa.

9. BIBLIOGRAPHY

BOOKS

African National Congress, 2004: *Reconstruction and Development Programme*, Umanyano Publications, Johannesburg.

Arneson, RJ, 2004: "Democracy is not intrinsically just", in Dowding, K, Goodin, RE and Pateman, C, (eds.), 2004: *Justice and democracy*. Cambridge University Press. Cambridge. United Kingdom.

Atkinson, D, 2002: "A passion to govern: Third-generation issues facing local government in South Africa, A think-piece in the interests of public debate on local government in South Africa", in *HSRC Review*. Centre for Development and Enterprise and Human Sciences Research Council. Cape Town. South Africa.

Atkinson, D, 2002: *Local Government, Local Governance and Sustainable Development: Getting the Parameters Right*. HSRC Publishers. Cape Town.

Babbie, S, 1999: *The basis of social research*. Wadsworth Publishing Company. Belmont. Canada.

Baiocchi, G, 1999: *Participation, activism, and politics: The Porto Alegre experiment and deliberative democratic theory*. University of Wisconsin-Madison. USA.

Ballard, R, Habib, A and Valodia, I, 2006: *Voices of Protest, Social movements in post-apartheid South Africa*. University of KwaZulu-Natal Press. Scottsville. South Africa.

Beall, J, 2005: *Funding local governance: Small grants for democracy and development*. ITDG Publishing. Rugby. United Kingdom.

Bhorat, H and Kanbur, R, (eds.), 2006: *Poverty and Policy in Post-Apartheid South Africa*. Human Sciences Research Council. Cape Town.

Bond, P, 2004: *Talk left, Walk right: South Africa's frustrated global reforms*. University of KwaZulu-Natal Press. Scottsville. South Africa.

Castells, M, 1996: *The Rise of the Network Society*. Volumes 1-3. Blackwell Publishers Ltd. Oxford U.K.

Chartterjee, P, 2001: "On civil and political society in post-colonial democracies", in Kaviraj, S and Khilnani, S: *Civil Society: History and Possibilities*. Cambridge University Press. United Kingdom.

Clapper VA, 1996: "Positioning citizen participation in democratic local government/Advantages and disadvantages of citizen participation", in Bekker K, 1996: *Citizen Participation in Local Government*. JL van Schaik, Pretoria. South Africa.

Clark, SE and Gaile, GL, 1998: *The Work of Cities, Globalisation and Community*. Vol. 1. University of Minnesota Press, Minneapolis. USA.

Cloete, F, 2006: "Chaos and quantum complexity approaches to public management: Insights from the new sciences". *Administrato Publica*. Vol. 14. No. 1. July 2006.

Cooke, B and Kothari, U, 2001: *Participation: The new tyranny?* Zed Books. London. United Kingdom.

Cooke, B and Kothari, U, 2002: "Participation: The new tyranny?" In *Currents*, 2002: Participation – where is it heading? Swedish University of Agricultural Sciences. Sweden.

Cornwall, A and Pratt, G, 2003: *Pathways to participation: Reflections on PRA*. ITDG Publishing. London.

Creswell, JW, 1994: *Research Design - Qualitative and Quantitative Approaches*, Sage Publication, USA.

Daniels, J, Habib, A and Southhall, R, 2003: *State of the nation, South Africa 2003-2004*. Human Science Research Council. Cape Town. South Africa.

Grusky DB and Kanbur, R (eds), 2006: *Poverty and inequality*. Stanford University Press. USA.

Davids, I, 2005: *Voices from below: Reflecting on ten years of public participation, the case of local government in the Western Cape Province*. Foundation for Contemporary Research. Cape Town. South Africa.

Davids, I, 2006: *Learning about local government: A first step towards active engagement*. Foundation for Contemporary Research. Cape Town.

Davids, I, Theron, F and Maphunye, LJ, 2005: *Participatory development in South Africa*. Van Schaik Publishers. Pretoria. South Africa.

Desai, A, 2002: *We are the poors, community struggles in post-apartheid South Africa*. Monthly Review Press. New York.

Du Toit, DFP, Cheminais, J, van de Walddt, G, and Bayat, MS, 1998: *Public Administration and management for effective governance*. Juta. Kenwyn. Cape Town. South Africa.

Farrelly, C, 2004: *An introduction to contemporary political theory*. Sage Publications. United Kingdom.

Fine, B, 2007: "The developmental state is dead, long live social capital?" in Moore, D (ed.), 2007: *World Bank: Development poverty hegemony*. University of KwaZulu-Natal Press. Scottsville. South Africa.

Fink, A, 2003: *How to sample in surveys*. 2nd Edition. The survey kit. Sage Publications. Thousand Oaks. California. USA.

Fukuyama, F, 2004: *State-Building, Governance and World Order in the 21st Century*. Cornell University Press. Ithaca, New York.

Gildenhuys, JSH, 1988: "South African Public Administration: Quo Vadis", in Gildenhuys, JSH (ed), *South African Public Administration, Past, Present and Future*. Owen Burgess. Pinetown. South Africa.

Gildenhuys, JSH and Knipe, A, 2000: *The organisation of Government: An introduction*. Van Schaik. Pretoria. South Africa.

Graham, KA and Philips, SD, (eds.), 1998: *Citizens engagement: Lessons in participation from local government*. The Institute of Public Administration of Canada. Toronto. Canada.

Held, D, 1993: *Prospects for democracy: North, South, East, West*. Polity Press. United Kingdom.

Hyden G, 1992: "Governance and the Study of Politics" in Hyden G and Bratton M (eds), *Governance and Politics in Africa*. Lynne Rienner Publishers Inc. USA.

Johnson, C, 1999: "The Developmental State: Odyssey of a Concept" in Woo-Cumings, M (ed.), *The Developmental State*. Cornell University Press. USA

Khosa, M, 2005: "Real citizenship: Participation and democracy" in Calland R, and Graham, P, (eds.), *Democracy in the time of Mbeki*. IDASA. Cape Town. South Africa.

Klug, H, 2000: *Constituting democracy: Law, globalization and South Africa's political reconstruction*. Cambridge University Press. United Kingdom

Kothari, U, 2001: "Power, knowledge and social control in participatory development", pp 139-152, in Cooke, B and Kothari, U, (eds.), 2001: *Participation: the new tyranny?* Zed Books. London.

Kumar, R, 2005: *Research methodology: A step-by-step guide for beginners*. 2nd Edition. Sage Publications Ltd. London. UK.

Landsberg, C, Mackay, S and Ngwens, TM, 2005: *Advocacy for participation in governance: Deliberative policy, civil society and Africa's continental mechanisms and programmes*. Centre for Public Participation. Durban.

Lefebvre, H, 1991: *The Production of Space*. Blackwell. United Kingdom (Translated by Donald Nicholson-Smith)

Liebenberg, S & Theron, F, 1997: "Assessing basic needs for the effective implementation of the reconstruction and development programme" in Liebenberg, S and Stewart, P (eds.), *Participatory development management and the RDP*. Juta & Co, Ltd. Kenwyn. South Africa.

Lingayah, S and MacGillivray, A, 1999: *Working from Below, Techniques to strengthen local governance in India*. New Economics Foundation. London. United Kingdom.

May, T, 1997: *Social Research. Issues, methods and process*. 2nd Edition. Open University Press. Philadelphia. USA.

Mhone, G and Edigheji, O (eds.), 2003: *Governance in the new South Africa, The challenges of globalization*. University of Cape Town Press. South Africa.

Moodley, S, 2004: *Making City Strategy Come Alive, Experiences from eThekweni Municipality*, Durban, South Africa. Corporate Policy Unit. eThekweni Municipality.

Muthien, Y, Khose, M and Magubane, B, (eds.), 2000: *Democracy and governance review: Mandela's Legacy 1994-1999*. Human Sciences Research Council. Cape Town. South Africa.

Narayan, D, et al, 2000: *Voices of the poor: Crying out for change*. The World Bank. Oxford University Press. New York.

Nash, K, (ed.), 1998: Justice beyond liberalism. 'Beyond liberalism? Feminist theories of democracy' in Nash, K, 1998: *Universal difference: feminism and the liberal undecidability of women*. Basingstoke: Macmillan. USA.

Nel, E, 2004: "Evolving participatory governance and developmental government in post-apartheid South Africa" in Lovan, WR, Murray, M and Shaffer, R, *Participatory Governance: Planning, conflict mediation and public decision-making in civil society*. Ashgate Publishing Company. USA.

Notes from Nowhere, 2003: *We are everywhere: the irresistible rise of global anticapitalism*. Verso. London.

Padayachee, V (ed.), 2006: *The development decade? Economic and social change in South Africa, 1994-2004*. Human Sciences Research Council. Cape Town.

Parnell, S, Pieterse, E, Swilling, M and Wooldridge, D. (eds.), 2002: *Democratizing Local Government, The South African Experiment*. University of Cape Town Press. South Africa.

Pateman, C, 1970: *Participation and Democratic Theory*. Cambridge University Press. London.

Pieterse, E, 2000: *Participatory urban governance: Practical approaches, regional trends and Urban Management Programme experiences*. United Nations Centre for Human Settlements (Habitat). Nairobi. Kenya.

Pillay, U, Roberts B, and Rule, S (eds.), 2006: *South African social attitudes, Changing times, diverse voices*. HSRC Press. Cape Town.

Piombo, J and Nijzink, L, 2005: *Electoral politics in South Africa, Assessing the first democratic decade*. HSRC Press. Cape Town.

Prakash, S, and Selle, P, (eds.), 2004: *Investigating social capital: Comparative perspectives on civil society, participation and governance*. Sage Publications. New Delhi. India.

Pratchett, L and Wilson, D (eds.), 1996: *Local democracy and local government*. Macmillan Press Ltd. London.

Putnam, RD, (ed.), 2002: *Democracies in flux: The evolution of social capital in contemporary society*. Oxford University Press. New York.

Putnam, RD, 1993: *Making democracy work: Civic traditions in modern Italy*. Princeton University Press. New Jersey. USA.

Putnam, RD, 2000: *Bowling alone: The collapse and revival of American community*. Simon and Schuster. New York.

Ragin, CC, 1994: *Constructing Social Research*. Pine Forge Press, USA.

Reddy, PS, 1999: "South Africa: Local government democratization and decentralization revisited" in Reddy, PS (ed.), *Local government democratization and decentralization: A review of the Southern African Region*. Juta & Co. Ltd. Kenwyn. South Africa.

Reitzes, M, 2004: *Election synopsis*. Volume 1 Number 1. HSRC and IDASA. Cape Town.

Sen, A, 1999: *Development as freedom*. Oxford University Press. United Kingdom.

Shafritz, JM, Russell, E.W and Borick, CP, 2007: *Introducing Public Administration*. (5th ed.) Pearson Longman Press. USA.

Shah, A, 2006: *Local governance in developing countries. Public sector governance and accountability series*. The World Bank. Washington D.C. United States of America.

Spector, PE, 1992: *Summated rating scale construction: An introduction. Series: Quantitative applications in the social sciences*. Sage University Paper 82. Sara Miller McCune, Sage Publications, Inc. Newbury Park. Florida. USA.

Stoker, G, 1998: "Public Private Partnerships and Urban Governance" in Pierre, J (ed.) *Partnership in Urban Governance: European and American Experience*. Macmillan Press Ltd, United Kingdom.

Swilling, M (ed.), 1997: "Introduction: Urban Governance in Africa" in *Governing Africa's Cities*. University of the Witwatersrand Press. Johannesburg.

Swilling, M and Russel, B, 2002: *The size and scope of the non-profit sector in South Africa*. Centre for Civil Society Studies and Graduate School of Public and Development Management. (CCS and P&DM). University of Natal. Durban.

Theron, F, 2005: *Public participation as a micro-level development strategy* in Davids, I, Theron, F and Maphunye, LJ, 2005: *Participatory development in South Africa*. Van Schaik Publishers. Pretoria. South Africa.

Theron, F and Schwella, E, 2000: "The state of public and development management in South Africa." *The Mount Grace Papers II*. School of Public Management and Planning. University of Stellenbosch. South Africa.

Van der Molen, K, van Rooyen, A, and van Wyk, B, 2001: *Outcomes-based governance: Assessing the results*. Heinemann. Sandown. South Africa.

White, S, Nair, KS and Acsoft, J, 1994: *Participatory Communication: Working for change and development*. Sage Publications. New Delhi.

Wignaraja, P (ed.), 1993: *New Social Movements in the South, Empowering the People*. Zed Books. London.

Wittenberg, M, 2003; "Decentralization in South Africa" chapter published in, Bardhan, P and Mookherjee, D (eds.): 2006: *Decentralization and local governance in developing countries. A comparative perspective*. Massachusetts Institute of Technology Press. United States of America.

Woo-Cumings, M (ed.), 1999: *The Developmental State*. Cornell University Press. Ithaca and London. USA and United Kingdom.

World Bank, 1996: *The World Bank Participation Source Book. Environmentally Sustainable Development*. Washington D.C. USA.

World Bank, 2000: *Cities in transition. World Bank urban and local government strategy*. The World Bank Infrastructure Group Urban Development. Washington, D.C. USA.

World Bank, 2003: *Better Governance for Development in the Middle East and North Africa: Enhancing Inclusiveness and Accountability*. World Bank. New York. USA.

Wright, DS, 1978: *Understanding intergovernmental relations*. Duxbury Press. Massachusetts. USA.

Yang K and Miller, GJ, 2008: *Handbook of Research Methods in Public Administration*. 2nd Edition. CRC Press. Taylor & Francis Group. New York. USA.

JOURNALS

Baccus, I and Hicks, J, 2007: *Critical Dialogue: Public participation in review*. Vol. 3. No. 1. Centre for Public Participation. Durban. South Africa.

Barnbeck, S, 2006: "Freedom and capacity: Implications of Sen's capability approach for Berlin's negative freedom. *Rerum Causae*." *Journal of the London School of Economics and Political Science Philosophy Society*. Vol. 1. No. 1. London. United Kingdom.

Benjamin, S, 2001: "Masculinisation of the state and the feminization of poverty". *Agenda*. Vol. 48. 2 June 2001. Agenda Feminist Media. South Africa.

Cooper, AD, 2003: "Review of Constituting democracy: Law, globalization and South Africa's political reconstruction" in *Africa Today* Vol. 50. No. 2, pp. 107-108.

Deegan, H, 2002: "A critical examination of the democratic transition in South Africa: the question of public participation." *Commonwealth and Comparative Politics*. Vol. 40. No. 1 March 2002. pp. 43-60. Frank Cass. London.

Desai, A and Habib, A, 1994: "Social Movements in Transitional Societies: A Case Study of the Congress of South African Trade Unions". *SA Sociological Review* (6) 2, 1994. South African Sociological Association. South Africa.

Devas, CN, 2001: "Does city governance matter for the urban poor?" *International Planning Studies*. November 2001, Vol. 6, No. 4, p.p. 393-408. Taylor and Francis Ltd. United Kingdom.

Dutwin, D, 2003: "The Character of Deliberation: Equality, Argument, and the Formation of Public Opinion". *International Journal of Public Opinion Research*. Vol. 15. No. 3. Oxford Journals. United Kingdom.

Gaventa, J, 2001: "Towards participatory local governance: Six propositions for discussion." IDS Learning Initiative on Local Governance Network (LogoLink). In *Currents*, Swedish University of Agricultural Sciences. Sweden.

Gaventa, J, 2002a: "Exploring citizenship, participation and accountability." *IDS Bulletin*. Vol. 33. No. 2. 1 April 2002. Institute for Development Studies. University of Sussex. England.

Govender, JP, Khan, S and Moodley, S, 2007: "Adapting to participatory forms of governance: A case study of eThekweni Municipality". *Africanus: Journal of Development Studies*. Vol. 37. No. 1. UNISA. Pretoria.

Greenstein, R, 2004: "Social movements and civil society in post-apartheid South Africa." in *Critical dialogue, Participation in review*. Vol. 1. No. 1. Centre for Public Participation. Durban.

Heller, P, 2001: "Moving the state: The politics of democratic decentralization in Kerala, South Africa, and Porto Alegre." *Politics and Society*. Vol. 29. No. 1, March 2001, p.p. 131-163.

IDS, 2001: "Poverty reduction strategies: A part for the poor?" *IDS Policy Briefing*. Issue 13. April 2001. Institute of Development Studies. University of Sussex. United Kingdom.

IDS, 2003: "The rise of rights: Rights-based approaches to international development." *IDS Bulletin*. Vol. 33. No. 2. 17 May 2003. Institute of Development Studies. University of Sussex. United Kingdom.

Institute of Development Studies, 2006: Getting real about governance. *IDS Policy Briefing*. Issue 26. March 2006. University of Sussex. United Kingdom.

Johnson, K, 2002: "State and civil society, redefining the rules". *Indicator SA*. Vol. 19, No.1. March 2002. University of Natal. South Africa.

Lenta, P, 2004: "Democracy, rights, disagreements and judicial review". *South African Journal for Human Rights*. Vol. 20. No. 1. p.p. 1-31. Juta. South Africa.

Moodley, S, 2007: "Public participation and deepening democracy: experiences from Durban, South Africa" in Baccus, I and Hicks, J (eds.): *Critical Dialogue: Public Participation in Review*. Vol. 3. No 1. 2007. Centre for Public Participation. Durban South Africa.

Peters, G, 2004: "Governance and public bureaucracy: New forms of democracy or new forms of control?" *The Asia Pacific Journal of Public Administration*. Vol. 26, No. 1 (June 2004), 3-15. Hong Kong Journals Online. University of Hong Kong. Hong Kong.

Roux, T, 2005: The constitutional framework and deepening democracy in South Africa. *Policy, Issues and Actors*. Vol. 18. No. 6. Centre for Policy Studies. Johannesburg.

Reuben, W, 2003: "The role of civic engagement and social accountability in the governance equation". *Social Development Notes. Environmentally and Socially Sustainable Development Network*. The World Bank. Washington, D.C.

Roberts, N, 2004: "Public deliberation in an age of direct citizen participation". *The American Review of Public Administration*. Vol. 34. No. 4. pp. 315-353. Sage Publications. USA.

Stiglitz, JE, 2002: "Participation and development: perspectives from comprehensive development paradigm." *Review of development economics*. Vol. 6. No. 2. 163-182.

Wilcox, D, 1994: "Community participation and empowerment: putting theory into practice." *PRA Notes*. Issue 21, pp 78-82. IIED. London.

Williams, JJ, 1999: "World Bank scenarios: why they should be rejected." *SA Labour Bulletin*. Vol. 23. No. 1 February 1999.

Williams, JJ, 2006: "Community participation: Lessons from post-apartheid South Africa" in *Policy Studies*. Vol. 27, No. 3, p.p. 197-217. Routledge. United Kingdom.

REPORTS

World Bank, 1997: *Development Report, 1997: The state in a changing world*. Oxford University Press. Washington. D.C. USA.

World Bank, 2000: *World Development Report 1999/2000: Attacking Poverty*. Oxford University Press. New York. N.Y.

World Bank, 2004: *World Development Report 2004: Making services work for poor people*. Oxford University Press. New York.

World Bank, 2006: *World Development Report 2006: Equity and Development*. Oxford University Press. New York.

UNDP: 2000. *South Africa: Transformation for Human Development*. UNDP. Pretoria, South Africa.

UNDP, 2003: *South Africa Human Development Report - The challenges of sustainable development: Unlocking people's creativity*. Oxford University Press. New York.

Water Research Commission, 2006: *Participation in integrated resource management (IWRM) in South Africa. Quick reference guide. WRC Research Report No. TT 258/06*. Department of Water and Forestry. RSA.

UNPUBLISHED DISSERTATIONS

Govender, JP, 2006: *Citizen participation in the budget process in local government: A case study of the eThekweni Municipality*. University of the Western Cape. Unpublished Masters Thesis.

Levieux, CA, 1998: *The meaning of community and participation in public service delivery: Whose interests are served?* Unpublished Masters thesis. School of Environment and Development. University of Natal. South Africa.

PAPERS

Abelson, J, Forest, P-G, Eyles, J, Smith, P, Martin, E and Gauvin, F-P, 2001: *Deliberations about deliberations: Issues in the design and evaluation of public consultation processes. A review of public participation and consultation methods*. McMaster University Centre for Health Economics and Policy Analysis. Research Working Paper 01-04, June 2001.

Ackerman, JM, 2005: *Social accountability in the public sector, a conceptual discussion. Social Development Papers. Participation and civic engagement*. Paper No. 82/march 2005. Community Empowerment and Social Inclusion. The World Bank. Washington, DC.

Asian Non-Governmental Organization Coalition (ANGOC), 1989: *Manila Declaration on People's Participation and Sustainable Development, 1989*. Asian Non-Governmental Organization Coalition for agrarian reform and rural development. Philippines.

Baccaro, L, 2002: *Civil society meets the state: a model of associational democracy*. Discussion paper. DP/138/2002. International Institute for Labour Studies. The International Labour Organization.

Baccus, I, Hemson, D, Hicks, and Piper, L, 2007: *Public participation and local governance*. Research report prepared by the Centre for Public Participation, in association with the Human Sciences Research Council and the University of KwaZulu-Natal. Centre for Public participation. Durban. South Africa.

Brown, D, 2003: *Participation in poverty reduction strategies: democracy strengthened – or undermined?* Paper presented at the conference 'Participation: from tyranny to transformation? Exploring new approaches to participation in development', University of Manchester, 27-28 February 2003. The Overseas Development Institute. London.

Budge, I, 2005: *Direct and representative democracy: are they necessarily opposed?* Paper prepared for the International Conference on Engaging Communities. 14-17 August 2005, Brisbane. Australia.

Cornwall, A and Gaventa J, 2001: *Bridging the gap: citizenship, participation and accountability*. PLA Notes 40. February 2001. Institute for Development Studies. United Kingdom.

Cornwall, A, 2002: *Making spaces, changing places: situating participation in development*. IDS Working Paper 170. Institute of Development Studies. University of Sussex. England.

COSATU, 2005: *A developmental state for South Africa? Discussion paper for the 2005 Central Committee*. COSATU. Johannesburg. South Africa.

DFID, 2002: *Local government decision-making: Citizen participation and local accountability. Examples of good (and bad) practice in Kenya*. Department for International Development and University of Birmingham. England.

Du Plessis, LM, 2006: *South African local governance, towards success or disaster?* Proceedings of 10th International Winelands Conference: Public Management and Development - Illusion, delusion or illumination. University of Stellenbosch. South Africa.

Dyantyi, R, 2005: *Address by the MEC: Local Government and Housing to the Public Participation Conference.* (July 2005). Cape Town. South Africa.

Economic Commission for Africa, 2003: *Public Sector Management Reforms in Africa: Lessons Learned.* Development Policy Management Division (DPMD), United Nations Economic Commission for Africa (UNECA). Addis Ababa, Ethiopia.

Edigheji, O, 2005: *A Democratic development state in Africa? A concept paper.* Research Report 105 (May 2005). Centre for Policy Studies. Johannesburg. South Africa.

Fox, W, 2006: *Theoretical debate on public administration.* Proceedings of 10th International Winelands Conference: Public Management and Development - Illusion, delusion or illumination. University of Stellenbosch. South Africa.

Freedman, S, 2006: *Participatory governance and citizen action in post-apartheid South Africa.* Discussion paper. DP/164/2006. International Institute for Labour Studies.

Fung, A, 2004: *Participatory governance: accountability and capacity.* Presentation to the Social Development Department of the World Bank. Washington, D.C.

Gaventa, J, 2003: *Towards participatory governance: assessing the transformative possibilities.* Prepared for the conference on participation: From tyranny to transformation. 27-28 February 2003. Manchester. Institute of Development Studies. University of Sussex. England.

Gaventa, J, 2004: *Participatory development or participatory democracy? Linking participatory approaches to policy and governance*. Participatory learning and action. International Institute for Environment and Development. London.

Houtzager, P, Gurza LA and Acharya, A, 2003: *Who participates? Civil society and the democratic politics in Sao Paulo, Brazil*. Centre for the future state. IDS Working Paper 210. IDS. Sussex University. England.

Kapoor, I, 1995: *Public sector management in developing countries*. (Consultant/Policy Advisor - Loka International). Political and Social Policies Division Policy Branch - Canadian International Development Agency Canadian International Development Agency. Quebec. Canada.

Karl, M, 2002: *Participatory Policy Reform from a Sustainable Livelihoods Perspective: Review of concepts and practical experiences*. Livelihoods Support Programme. Working Paper 3. Participation, Policy & Local Governance Sub-Programme. Food and Agriculture Organization. United Nations. Geneva.

Khan, S: 2005: *Assessing current public policy mechanisms and spaces for participation in provincial and local government with particular reference to best practices*. Compiled for the Centre for Public Participation. Unpublished Paper.

Kroukamp, H, 2006: *The role of local government in eradicating poverty: or prolonging it?* Proceedings of 10th International Winelands Conference: Public Management and Development - Illusion, delusion or illumination. University of Stellenbosch. South Africa.

Mbeki, T, 2004: *Address to parliament*. Cape Town, May 21, 2004. South African Government Information. Pretoria. South Africa.

Meleko, A and Resta V, 2005: *Governance Progress in Africa: Challenges and Trends. Division for Public Administration and Development Management Discussion Paper*. United Nations Department of Economic and Social Affairs. United Nations. Geneva.

Parliamentary Support Programme, 2001: *A People's Government, the People's Voice: A review of public participation in the law and policy-making process in South Africa*. The Parliamentary Support Programme. Cape Town.

Pieterse, E, 2002: *Metropolitan governance under construction*. Dark Roast Occasional Paper Series. No. 7. Isandla Institute. Cape Town. South Africa.

Pleskovic, B and Stiglitz, J: 1999: *Annual World Bank Conference on Development Economics 1998*. World Bank. Washington, D.C. USA.

Public Service Commission, 2007: *State of the Public Service Report: Promoting growth and development through effective public service*. Public Service Commission. Arcadia. South Africa.

Sibeko, X, 2005: *Public participation policy framework*. Presentation on public participation and empowerment. Department of Provincial and Local Government. Pretoria. South Africa.

Social Development Notes, 2003: *The role of civic engagement and social accountability in the governance equation*. Note No. 75. Environmentally and Social Sustainable Development Network. The World Bank. Washington D.C.

Tapscott, C, 2006: *The challenges of deepening democracy in post-apartheid South Africa*. Paper presented to a LORC Seminar. (7 July 2006). Ryukoku University, Kyoto.

Teivainen, T, 2003: *The World Social Forum: Arena or Actor?* Paper presented at the Latin American Studies Association meeting, 28 March 2003. Dallas, Texas. USA.

Theron, F, Caesar, N and Davids, I, 2007: *Participation according to IAP2 principles: Opportunity or challenge for integrated development planning in South Africa?* Foundation for Contemporary Research. Cape Town. South Africa.

VeneKlasen, L, Miller, V, Clark, C and Reilly, M, 2004: *Rights-based approaches and beyond: challenges of linking rights and participation*. IDS Working Paper 235. Institute of Development Studies. Sussex. England.

Williams, JJ, 2005a: *Community participation and democratic practice in post-apartheid South Africa: Rhetoric vs reality*. Centre for Public Participation. Vol.1. No.1. Durban. South Africa.

Williams, JJ, 2005b: *Community participation: Promises, practices and challenges*. Presentation. University of the Western Cape. Cape Town. South Africa.

SOUTH AFRICAN GOVERNMENT WHITE PAPERS AND LEGISLATION

RSA, 1995: *The Development Facilitation Act, No 67*. Government Printers. Pretoria. South Africa.

RSA, 1995: *The White Paper on the Transformation of the Public Service*. DPSA. Pretoria. South Africa.

RSA, 1996: *The Constitution of the Republic of South Africa, No 108*. Pretoria. South Africa.

RSA, 1997: *The White Paper on Transforming Public Service Delivery*. DPSA. Pretoria.

RSA, 1997: *The White Paper on Public Service Delivery (Batho Pele White Paper)*. Department of Public Service and Administration. Pretoria. South Africa.

RSA, 1998: *The White Paper on Local Government*. Department of Provincial Affairs and Constitutional Development. Pretoria. South Africa.

RSA, 1998: *Local Government Municipal Structures Act, No 117*. DPLG. Pretoria. South Africa.

RSA, 2000: *Local Government Municipal Systems Act, No 32*. DPLG. Pretoria. South Africa.

RSA, 2000a: *Preferential Procurement Policy Framework Act, No 5*. Government Gazette. Cape Town. South Africa.

RSA, 2000b: *Promotion of Access to Information Act, No 2*. 3 February 2000. Government Gazette. Cape Town. South Africa.

RSA, 2000c: *Promotion of Administrative Justice Act, No 3*. 3 February 2000. Government Gazette. Cape Town. South Africa.

RSA, 2000d: *Protected Disclosures Act, No 26*. 7 August 2000. Government Gazette. Cape Town. South Africa.

RSA, 2002: *Stakeholder Engagement: Integrated Environmental Management Information Series 3*. Department of Environmental Affairs and Tourism. Pretoria.

RSA, 2003: *Municipal Finance Management Act No. 56*. DPLG. Pretoria. South Africa.

RSA, 2004: *Local Government Municipal Property Rates, No 6*. DPLG. Pretoria. South Africa.

RSA, 2004: *The White Paper on Municipal Service Partnerships*. Department of Provincial and Local Government. Pretoria. South Africa.

RSA, 2005: *Draft Policy Framework for Public Participation*. DPLG. Pretoria. South Africa.

RSA, 2005: *Towards a ten year review*. The Presidency. Pretoria. South Africa.

RSA, 2005: *Ward Committee: Resource Book, Best practices and lessons learnt for municipal officials, councillors and local governance practitioners*. DPLG and GTZ South Africa.

RSA, 2006: *Local Government Budgets and Expenditure Review 2001/02 – 2007/08*. National Treasury. Pretoria. South Africa.

ELECTRONIC SOURCES

African Management Development Institutes Network, 2002. *Leadership development: Governance and public administration*. DPMF Bulletin. Special Issue. Vol. X. No. 5. DPMF Publications. <http://www.amdin.org/> (Accessed: 17 December 2006)

Arnstein, S, 1969: *A ladder of citizen participation*. Journal of the American Institute of Planners. Vol. 35. No. 4. July 1969. pp 216-224.

http://www2.eastwestcenter.org/environment/CBFM/2_Arnstein.pdf (Accessed: 17 November 2006.)

Briand, M, 2007: *Democracy at the Core: Recalling Participation's Raison D'etre*.

International Journal of Public Participation. Vol. 1. Issue 1. IAP2.

http://www.iap2.org/associations/4748/files/Journal_Issue1_Viewpoint.pdf. (Accessed: 10 January 2007.)

Ballington, J, 2001: *South Africa: Women and local government - the issues*. EISA.

February 2001. <http://www.eisa.org.za/WEP/sou2001women7.htm>. (Accessed: 26 May 2008.)

Benjamin, S, 2004: *Reclaiming the voices of dissent: Social movements challenging contemporary forms of public participation*. Centre for Civil Society.

<http://www.ukzn.ac.za/ccs/files/VOICES~2.pdf> (Accessed: 19 November 2006.)

Campbell, T, 1993: *Participation, choice and accountability in local government*. Principal Urban Specialist Advisory Group (for) the World Bank. Dissemination Note 19831. 11

May 1993. World Bank.

<http://www->

wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2000/02/09/000094946_00012505360148/Rendered/PDF/multi_page.pdf (Accessed: 26 July 2007.)

Centre for Human Rights, 1997: *Constitutional Court of South Africa. Soobramoney vs the Minister of Health (KZN)*. Case CCT 32/97.

http://www.chr.up.ac.za/ggp/coursematerial/socio_rights/soobram.pdf (Accessed: 13 July 2007.)

Chambers, S, 2003: *Deliberative Democracy Theory*. Annual Review of Political Science. June 2003. Vol. 6. p.p. 307-327. California. USA. (South African National Library & Information Consortium.) www.arjournals.annualreviews.org (Accessed: 23 June 2006.)

City of Cape Town, 2005: *This city works for you: IDP public participation – Learning Points*.

http://www.capegateway.gov.za/Text/2005/7/idp_public_participation_by_martin_van_der_merwe_city_of_cape_town.pdf (Accessed: 12 November 2006.)

COSATU, 2005: *Discussion paper for the 2005 Central Committee*. Johannesburg. www.cosatu.org (Accessed: 10 January 2008.)

D'Souza, R, 2002: *No enemies in civil society*. Debate ZNet. www.znet.org; <http://colours.mahost.org/articles/d%27souza2.html> (Accessed: 1 December 2007.)

Deliberative Democracy Consortium, 2004: *The Deliberative Agency: Opportunities to Deepen Public Participation*. Deliberative Democracy Consortium. Washington, DC (www.deliberative-democracy.net) (Accessed: 21 June 2006.)

DPLG, 2009: Policy process on the system of provincial and local government. <http://www.thedplg.gov.za/subwebsites/wpaper/wp2.htm> (Accessed: 2 February 2008.)

Eprop Commercial Property South Africa, 2007: *King Shaka Airport faces further delay*. 5 January 2007. <http://www.eprop.co.za/news/article.aspx?idArticle=8526> (Accessed: 13 July 2007.)

Everett, D and Gwagwa L, 2005: *Community driven development in South Africa, 1990-2004*. Africa Region Working Paper Series No. 92. The World Bank.
<http://www.worldbank.org.afr/wps/index.htm> (Accessed: 22 July 2007.)

Fisher, F, 2007: *Discursive spaces for participatory governance: from design properties to communicative practices*. Rutgers University and Forschungszentrum, Karlsruhe.
http://www.ruc.dk/upload/application/pdf/f51d6748/Roskilde_use.pdf (Accessed: 13 June 2007.)

Fraser-Moleketi, G, 2004: *Minister G Fraser-Moleketi attends the United Nations Committee of Experts on Public Administration in New York, 29 March - 2 April 2004*. Third Annual Meeting of the United Nations Committee of Experts on Public Administration (29 March to 2 April 2004).
www.info.gov.za/speeches/2004/04032611461001.htm (Accessed: 10 July 2007.)

Fraser-Moleketi, G, 2005: *Revitalizing public administration: strategic directions for the future*. Comments by Geraldene Fraser-Moleketi at the Fourth Annual Meeting of the United Nations Committee of Experts on Public Administration (4 -8 April 2005).
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan020251.pdf> (Accessed: 30 June 2007.)

Freedman, J, 1997: *Democracy and Citizenship: Theory and Practice*. 'Can Women Transform Politics? Women's Demands for Equal Representation as a Catalyst of Institutional Change in Britain and France'. Centre for Asia-Pacific Women in Politics.
http://www.capwip.org/readingroom/women_transform_uk_fr.pdf (Accessed: 13 November 2007.)

Fung, A, 2006: *Practical reasoning about institutions: Governance innovations in the development of democratic theories*. Unpublished paper. Harvard University.
www.archonfung.net (Accessed: 10 January 2008.)

Gaventa, J, 2002b: *Towards Participatory Local Governance: Six Propositions for Discussion*. <http://www.wids.ac.uk/logolink> (Accessed: 12 January 2007.)

Hicks, J, 2004: *Public participation beyond the election*. Election Synopsis. Vol.1. No.1.
http://www.cps.org.za/cps%20pdf/election-synopsis_1.pdf
(Accessed: 10 June 2006.)

IAP2, 2000: *IAP2 Public Participation Spectrum*. International Association for Public Participation.
www.iap2.org; <http://www.theperspectivesgroup.com/links/SpectrumChart.pdf>
(Accessed: 10 January 2007.)

IAP2, 2008: *Core Values of Public Participation*. International Association for Public Participation.
<http://www.iap2.org/displaycommon.cfm?an=4> (Accessed: 10 January 2007.)

IDASA, 2002a, *Participatory Governance at Local Level, Ward Committees*. 11 December 2002.
http://www.chapter2.org.za/index.asp?page=output_details.asp%3FRID%3D218%26opl%3Den%26TID%3D12%26OTID%3D7 (Accessed: 13 February 2007.)

IDASA, 2002b, *Participatory Governance at Local Level, Ward Committees*. 11 December 2002.
http://www.idasa.org.za/index.asp?page=output_details.asp%3FRID%3D216%26TID%3D12%26OTID%3D4 (Accessed: 13 February 2007.)

ID21, 1997: *Reorganizing the state towards more inclusive governance*. Sept 1997, Issue 23.

<http://www.id21.org/insights/insights23/insights-iss23-art00.html>

(Accessed: 10 June 2006.)

IDS, 2006: *Getting real about governance*. IDS Policy Briefing. March 2006. Issue 26

<http://www2.ids.ac.uk/gdr/cfs/pdfs/pB26.pdf>.

(Accessed: 10 July 2006.)

Independent on Line, 2007: *Durban 2010 stadium work goes on*. 13 February 2007.

http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20070213075112291C310613 (Accessed: 12 April 2007.)

Institute for Development Studies, 2006: *When is deliberative democracy possible?*

Governance and Development Review. Institute of Development Studies. University of Sussex. United Kingdom. www.ids.ac.uk/gdr/reviews/review-02.html (Accessed: 10 January 2007.)

Innes, JE and Booher, DE, 2004: *Reframing Public Participation: Strategies for the 21st Century*. Planning Theory and Practice. Vol. 5, No. 4. p.p. 419-436. Taylor and Francis Ltd. USA.

http://www.csus.edu/ccp/publications/reframing_public_participation_abstract.htm

(Accessed: 10 April 2006.)

Kaufmann, D, Kraay, A and Mastruzzi, M, 2007: *Governance Matters VI: Aggregate and individual governance indicators 1996-2006*. World Bank Policy Research Working Paper 4280, July 2007. The World Bank. (<http://econ.worldbank.org>) (Accessed: 10 March 2007.)

Lundberg, P, 2004: *Decentralized governance and a human rights approach to development*. United Nations Development Programme.

<http://www.undp.org/governance/docsdecent/human.doc> (Accessed: 10 March 2007.)

Mackie, G, 2006: *The Reception of Social Choice Theory by Democratic Theory*. University of California, San Diego (<http://brown.edu/Research/ppw/files/Mackie.doc>). (Accessed: 30 May 2007.)

Maxatshwa, K, 2007: *Community participation in local government affairs towards improved planning and service delivery*. Governance policy and research. Department of Local Government and Housing. Free State Province. South Africa.
<http://www.fs.gov.za/INFORMATION/Events/2007/Premier/SMS%20Conference/Presentations/Maxatshwa.ppt#256,1,COMMUNITY PARTICIPATION IN LOCAL GOVERNMENT AFFAIRS TOWARDS IMPROVED PLANNING AND SERVICE DELIVERY> (Accessed: 30 June 2006.)

Mott, CS Foundation, 2006: *Women in South Africa seek equality*. Mott Mosaic.
<http://www.mott.org/publications/Mott%20Mosaic/August%202006%20v5n2/cs%20August%202006.aspx> (Accessed: 27 May 2008.)

Neligan, C, 2003: *Increasing accountability through external stakeholder engagement*. One World Trust. Houses of Parliament. London.
<http://www.oneworldtrust.org/documents/ESE%20Workshop%20Report.pdf> (Accessed: 10 May 2007.)

Partizipation, 2007: *Benefits and limits of participation. Participation and sustainable development in Europe*. <http://www.partizipation.at>; http://nr03766a.vhost-enzo.sil.at/benefits_limits.98.html (Accessed: 1 November 2007.)

Persuad, S, n.d.: *Social Compact for Good Local Government and Sustainable Development*. Prepared for: UNDP Capacity Building for Local Government Programme.
<http://www.aisa.org.za/pages/publications/pub3.htm> (Accessed: 1 November 2007.)

RSA, 2004: *A Practical Guide to Municipal Partnerships*. Department of Provincial and Local Government. <http://www.thedplg.gov.za> (Accessed: 1 August 2008)

Putnam, R, 1995: *Bowling alone: America's declining social capital* in *Journal of Democracy* Vol. 6 No. 1, pp 65-78. John Hopkins University.
http://muse.jhu/journals/journal_of_democracy/v006/6.1putnam.html (Accessed: 10 May 2007.)

RSA, 2004: *A Practical Guide to Municipal Service Partnerships*. Department of Provincial and Local Government. <http://www.thedplg.gov.za> (Accessed: 1 August 2008)

Ryfe, DM, 2005: *Does deliberative democracy work?* *Annual Review of Political Science*. Vol. 8. p.p. 49-71. <http://polisci.annualreviews.org> (Accessed: 12 July 2007.)

Sen, A, 2004: *Graduation address, Rhodes University*, 30 July 2004.
http://www.sarpn.org.za/documents/d0000888/P1004-Amartya_Sen2004.pdf
Accessed: 10 November 2007.)

South African Constitutional Court, 2000: *Grootboom and others vs Government of South Africa*. (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46 (4 October 2000). South African Legal Information Institute. <http://www.saflii.org/za/cases/ZACC/2000/19.html>
(Accessed: 10 January 2007.)

South African Constitutional Court, 2002: *Treatment Action Committee and other vs the Minister of Health and others*. Case CCT 8/02. 5 July 2002. http://www.law-lib.utoronto.ca/DIANA/TAC_case_study/MinisterofhealthvTACconst.court.pdf
(Accessed: 10 July 2007.)

South African Government Information, 2007: *Minister invites media to African Management Development Institute*.
www.info.gov.za/speeches/2007/07082815151001.htm (Accessed: 10 May 2007.)

Sponk, S, 2001: Social Capital: A peg to hang any theory on. Paper presented at the Centre for Latin America and the Caribbean. York University. Canada.
<http://www.yorku.ca/cerlac/temuco/articulos/putnam2.doc>. (Accessed: 7 July 2007.)

Strange, JH, 1972: *The impact of citizen participation on public administration*, in Public Administration Review, Vol. 32, Special Issue: Citizens action in model cities and CAP programmes: Case studies and evaluation. www.jstor.org (Accessed: 21 November 2007.)

Sitas, A, 2002: *Love in the Time of Cholera?* Industrial, Organizational and Labour Studies, University of Natal, Durban. <http://www.global-studies.de/people/sitas/index.htm> (Accessed: 15 July 2007.)

Terchek, RJ, 2003: *Teaching democracy: a survey of courses in democratic theory*. *Teaching democracy*. Vol. 1 No. 1 March 2003. www.apsanet.org (Accessed: 9 November 2007.)

Tommasoli, M, 2005: *Representative democracy and capacity development for responsible politics*. Paper presented at the Sixth Global Forum of Reinventing Government, Seoul, Republic of Korea. International IDEA. Sweden.
<http://www.idea.int/democracy/upload/MT%20Paper%20for%20GF%20Seoul%2018%20May%202005.pdf> (Accessed: 20 July 2007.)

United Nations, 2003: *Pan-African Programme on Governance and Public Administration (Proposal)*. May 2003.

<http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan009730.pdf>

(Accessed: 17 June 2007.)

Usebersax, JS, n.d: *Likert Scales: Dispelling the confusion*.

<http://ourworld.compuserve.com/homepages/jsuebersax/likert.htm> (Accessed: 19 May 2008.)

Vose CE, 1966: *Interest groups, judicial review and local government*. The Western

Political Quarterly. Vol. 19, No. 1 (March, 1966), pp. 85-100, in www.jstor.org (Accessed:

11 July 2007.)

Wolfensohn, JD, 1998: *The Santiago Consensus: From Vision to Reality. Address by the President of the World Bank*. Santiago, 19 April 1998. Wolfensohn Archives:

<http://web.worldbank.org/> (Accessed: 12 July 2007.)

World Bank, 1998: *The initiative on defining, monitoring, and measuring social capital. Social Capital Initiative Working Paper No. 1*.

<http://www1.worldbank.org/prem/poverty/scapital/wkrppr/sciwp1.pdf> (Accessed: 10

May 2007.)

Zurn, CF, 2002: *Deliberative democracy and constitutional review*. Law and Philosophy.

Vol. 21. No. 4/5, pp 467-542. Kluwer Law International. www.Jstor.org/

Accessed: 10 May 2007)

PRINT MEDIA

Mail and Guardian, 2006: *Abortion law sent back*. August 18 to 24. M&G Media Ltd.
Johannesburg. South Africa. (www.mg.co.za)

APPENDIX 1: ETHICAL CLEARANCE



RESEARCH OFFICE (GOVAN MBEKI CENTRE)
WESTVILLE CAMPUS
TELEPHONE NO.: 031 – 2803587
EMAIL : ximbap@ukzn.ac.za

13 FEBRUARY 2008

MR. JP GOVENDER (7812069)
PUBLIC ADMINISTRATION

Dear Mr. Govender

ETHICAL CLEARANCE APPROVAL NUMBER: HSS/0002/08D

I wish to confirm that ethical clearance has been granted for the following project:

"New spaces for participation in South African Local Government"

PLEASE NOTE: Research data should be securely stored in the school/department for a period of 5 years

Yours faithfully


.....
MS. PHUMELELE XIMBA

cc. Supervisor (Prof. PS Reddy)
cc. Ms. A Ndawo

APPENDIX 2: PERMISSION TO CONDUCT INTERVIEWS

ETHEKWINI MUNICIPALITY
Deputy City Manager (Governance)

12th Floor
Rennie House
41 Victoria Embankment
Durban 4001
P O Box 1014
Durban 4000
Tel: (031) 311 4004
Fax: (031) 311 4056
e-mail: siphoc@durban.org.za



Our Ref:
Your Ref:
Enquiries:

07 November 2007

University of Kwazulu-Natal
Department of Public Administration
And Development Management
DURBAN

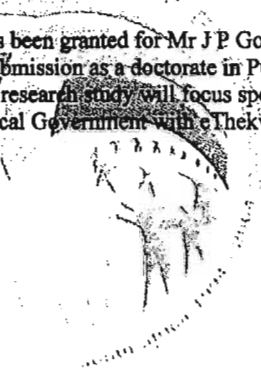
Sir/Madam

**DOCTORAL THESIS: NEW SPACES FOR PARTICIPATION IN SOUTH
AFRICAN LOCAL GOVERNMENT**

Please be advised that permission has been granted for Mr J P Govender to conduct the
aforementioned research study for submission as a doctorate in Public Administration
and Development Management. The research study will focus specifically New Spaces
for participation in South African Local Government with eThekweni being sited as a
case study.

Yours faithfully

SIPHO CELE
DCM: GOVERNANCE
ETHEKWINI MUNICIPALITY



"We care, we belong, we serve"



APPENDIX 3: COLLAGE OF PARTICIPATION IN LOCAL GOVERNMENT LEGISLATION.



Vol. 353

CAPE TOWN
KAAPSTAD 23 NOVEMBER 1994

No. 16085

GENERAL NOTICE

NOTICE NO. 1954 OF 1994

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

WHITE PAPER ON RECONSTRUCTION AND DEVELOPMENT

CAPE TOWN, 15 NOVEMBER 1994

WPJ/1994

The White Paper on Reconstruction and Development is hereby published by the Ministry in the Office of the President for general information. This White Paper was tabled in Parliament on 15 November 1994, reference WPJ/1994.

16085
23 NOVEMBER 1994

CHAPTER SEVEN

CONSULTATION, PARTICIPATION AND CAPACITY-BUILDING

7.1 Introduction

- 7.1.1 Although the Government has a crucial role in facilitating and co-ordinating the RDP, the programme will be implemented through the widest possible consultation and participation of the citizenry of South Africa. In terms of government's role, the RDP will be implemented by the line function departments of the National Government, by Provincial and Local Governments, and by parastatals. Structured consultation processes at all levels of government will be introduced to ensure participation in policy-making and planning, as well as project implementation. The empowerment of institutions of civil society is a fundamental aim of the Government's approach to building national consensus. Through this process the Government aims to draw on the creative energy of communities. The Government will support capacity-building initiatives in community organisations.

7.2 RDP task teams

- 7.2.1 Under the supervision of the Minister without Portfolio, the task teams will have a key advisory role in policy-making methodology. This methodology will draw on project experience to a large extent, and hence will engage in extensive local-level consultation and participation. For example, Presidential Projects initiated in the Urban Renewal, Rural Development and Human Resource Development Programmes of the RDP will provide essential learning and pilot studies for the definition of clear urban, rural and human resource development policies. Although the technical aspects of programme management will be supervised by the RDP Programme Steering Committee, the development and socio-economic aspects will be dealt with by the task teams. They will consist of senior representatives of relevant departments and provinces, with some experts from civil society. Expertise for this purpose is broadly defined to ensure proper representation of the interests of disadvantaged groups and communities.

7.3 The National Economic Development and Labour Council

- 7.3.1 The Cabinet has taken the decision to establish the NEDLAC as a mechanism of consultation, co-ordination, engagement, and negotiation by key stakeholders. The structure of the NEDLAC will include labour, business, Government, while also making room for the participation of a broader group of interests and organisations. The NEDLAC will include a Development Chamber which will bring together participants from different levels of government, institutions and organisations of civil society, organised labour and organised business. The three other Chambers are Public Finance and Monetary Policy, Trade and Industry, and Labour. NEDLAC will incorporate the functions of the National Economic Forum and the National Manpower Commission.
- 7.3.2 NEDLAC will be the key body to build consensus on economic and development policy and mobilise the entire South African society behind the objectives of the RDP.
- 7.3.3 Effective representation by disadvantaged groups such as women and rural people will require the encouragement of non-traditional organisations such as stokvels, producer co-operatives, housing and electricity co-operatives. The Government will enter into a process with a broad range of organisations to determine the representatives of the Development Chamber.

7.4 Sectoral forums

- 7.4.1 A variety of sectoral negotiating forums has developed a participatory approach to policy formulation. National line function departments will be encouraged, where appropriate, to continue ongoing policy interaction with sectoral forums, which comprise key sectoral stakeholders and technical experts. Forums will advise Ministers either on request or proactively.

7.5 Provincial and local consultation

- 7.5.1 To facilitate local and sub-regional consultation and participation, Provincial Governments should encourage the establishment of sub-regional and/or local forums which will consist of representatives of all the stakeholders in the areas. Provincial Governments will agree on the boundaries of these sub-regional forums. In consultation with these forums, local authorities will promote the development of their local areas. At provincial level, consultative councils should be established which consist of

representatives of both stakeholders' and sub-regional forums. Their function will be to ensure broad consultation, co-ordination, engagement and negotiation. Structures which in the past performed such functions will be reintegrated or rationalised.

7.6 Capacity-building for effective participation

- 7.6.1 Capacity-building is essential for effective participation of civil society in RDP implementation. Through initiatives such as Presidential Projects, path-breaking approaches to consultation, participation and local control will be explored. The Government will co-operate with civic organisations, and other community-based organisations, to develop capacity during the course of an RDP campaign to establish local government legitimacy and hence improve both service delivery and user payments. Development projects such as those funded through the National Public Works Programme (with a business-labour-community commitment to labour-based construction methods) will also contain a far greater training and capacity-building component, with women and youth targeted as beneficiaries. The Public Service Training Institute will make its resources available to civil society in addition to the Public Service. Increasingly, organisations of civil society will be involved in planning and policy-making through a variety of boards, commissions, forums and other venues by which experience is gained and skills are acquired. The new approach to freedom of public information will also play an enhancing role in capacity-building.
- 7.6.2 The particular roles of NGOs are worth more detailed consideration. NGOs proliferated during the years of apartheid, when they took over many roles of planning, education, policy development and support which a democratic government would normally have played. In addition, they provided support for the democratic forces when resources of the apartheid state were denied to them. Since almost all governments refused to supply aid to the apartheid state, most aid was channelled through NGOs.
- 7.6.3 The Government, especially at local and provincial levels, must now carry out these functions as part of its normal operations. This includes the normalisation of the development finance relationship as primarily an intra-governmental function. Further, the resources of the Government (especially in the area of research) must be made available to mass organisations as they are to business and other constituencies.
- 7.6.4 A human resource and capacity development programme has been established by the National Government to facilitate and co-ordinate RDP efforts. Provincial and Local Governments are the key areas of delivery of the RDP. The task teams will therefore focus initially on the development of the ability of the Public Service and of communities at provincial and local level to drive the programme planning, implementation and management required for the RDP programmes effectively. As far as possible, existing institutions will be utilised. A nation-wide network of institutions, including universities, technikons, technical and teacher-training colleges, private and public sector training facilities, the Public Service Training Institute and NGOs is envisaged. This network will be challenged to provide the necessary training, in modular form and consistent with the National Qualifications Framework and the National Training Strategy. In order to respond to this challenge, institutions will be encouraged to begin the process of reforming themselves. Provincial and local task teams will be essential in order to stimulate and develop integration and co-ordination of the institutions' responses.
- 7.6.5 Future government support for NGOs will be based on their role in taking forward the RDP, a process that can be assisted and evaluated through some form of accreditation for all such NGOs which receive government funds. Rationalisation of service delivery to communities is a general guideline for donors. However, it is both necessary and desirable for healthy, efficient and effective community-based development organisations and NGOs to exist. The Government should not have a monopoly of resources in this area. Organisations of civil society should continue to have the choice of access to alternative sources of services such as policy research so that it is not completely dependent on the Government. In addition, community-based development organisations will receive more extensive financial and logistical support once representivity, accountability and effectiveness are confirmed.
- 7.6.6 The Government must ensure that its service arms are accessible to civil society, especially mass organisations with limited resources. They must be able to provide an even-handed service even in areas (such as industrial strategy, development planning or other areas of multipartite negotiation) where interests may be opposed to current government policies. NGOs can and should therefore provide a crucial benchmark for quality against which the Government or parastatal institutions can be measured. The Government strongly favours the establishment of a co-ordinating body for NGOs. This body should be constituted as far as possible from the rationalisation of existing bodies, and should be substantially independent of the Government. The Government should be sympathetic to it and should not interfere in its activities except through regular consultation in order to facilitate coherent development policies.

- 7.6.7 With respect to mass-based organisations of civil society — especially the labour movement and the civics — their role in the establishment of political democracy was central. They have also won very substantial improvements in the social and economic lives of their constituents. A vibrant and independent civil society is essential to the democratisation of our society which is envisaged by the RDP. Mass-based organisations will exercise essential checks and balances on the power of the Government to ensure that Government does not act unilaterally, without transparency, corruptly, or inefficiently.
- 7.6.8 The RDP envisages a social partnership and the Government should therefore provide services and support to all sectors, especially organised labour, the civics, business, women's groups and the religious and cultural bodies. Moreover, the Government has a duty in terms of the RDP to encourage independent organisation where they do not exist, such as rural areas. Strong consumer and environmental movements are essential in a modern industrial society and should be facilitated by the Government.
- 7.6.9 The Government must therefore provide resources in an open and transparent manner, and in compliance with clear and explicit criteria to mass organisations to ensure that they are able to develop or maintain the ability to participate effectively as negotiating partners of the Government. The social partnership envisaged by the RDP does not, however, imply that mass organisations do not retain the right to their own interpretation of and their own goals for the RDP. It does imply that there is agreement to find solutions to constraints which will emerge in the RDP's implementation. For example, if construction industry bottlenecks are identified as constraints to government efforts to reach housing targets, the relevant organisations and institutions will be encouraged to reach consensus on solutions to address the specific bottlenecks or shortages that are identified. Thus a series of agreements or accords will be negotiated to facilitate the full participation of civil society, together with the Government, in order to find ways to take down the barriers which emerge during the course of the RDP.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

Registered at the Post Office as a Newspaper

Vol. 378

CAPE TOWN, 18 DECEMBER 1996

No. 17678

PRESIDENT'S OFFICE

No. 2083.

18 December 1996

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 108 of 1996: Constitution of the Republic of South Africa, 1996.

Chapter 7

Local Government

Status of municipalities

151. (1) The local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic.
- (2) The executive and legislative authority of a municipality is vested in its Municipal Council.
- (3) A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.
- (4) The national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions.

Objects of local government

152. (1) The objects of local government are –
- (a) to provide democratic and accountable government for local communities;
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

Developmental duties of municipalities

153. A municipality must –
- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
 - (b) participate in national and provincial development programmes.



**the WHITE PAPER on
LOCAL GOVERNMENT**

Issued by
the Ministry for Provincial Affairs
and Constitutional Development

MARCH 1998

3.3 Working together with local citizens and partners

Building local democracy

One of the strengths of integrated development planning is that it recognises the linkages between development, delivery and democracy. Building local democracy is a central role of local government, and municipalities should develop strategies and mechanisms (including, but not limited to, participative planning) to continuously engage with citizens, business and community groups.

Four levels of citizen participation

Municipalities require active participation by citizens at four levels:

- As voters - to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote.
- As citizens who express, via different stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible.
- As consumers and end-users, who expect value-for-money, affordable services and courteous and responsive service.
- As organised partners involved in the mobilisation of resources for development via for-profit businesses, non-governmental organisations and community-based institutions.

As voters:

As in the rest of the world, municipalities will need to ensure that voters are constantly made aware of the need to vote and that they are able to vote easily and safely. When voter participation declines, democratic accountability is diluted. The following approaches will enhance voter participation:

Ways to promote voter participation

- Civic education programmes about the importance of voting.
- Ward-level activities to continuously connect elected leaders and their constituencies.
- Creative electoral campaigning around clear policy choices that affect the lives of citizens.
- Electoral systems that ensure that registration and voting procedures are structured in a way that enhances access and legitimacy.

As participants in the policy process:

Municipalities should develop mechanisms to ensure citizen participation in policy initiation and formulation, and the monitoring and evaluation of decision-making and implementation. The following approaches can assist to achieve this:

Ways to promote participation in policy processes

- Forums initiated from within or outside local government allow organised formations to initiate policies and/or influence policy formulation, as well as participate in monitoring and evaluation activities. Forums tend to work better when it comes to formulating either general community-wide development visions or issue-specific policies, rather than for formulating multiple policies that affect a multiplicity of interests.

- Structured stakeholder involvement in certain Council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures.
- Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes.
- Focus group participatory action research conducted in partnership with NGOs and CBOs can generate detailed information about a wide range of specific needs and values.
- Support for the organisational development of associations, in particular in poor marginalised areas where the skills and resources for participation may be less developed than in better-off areas. This is important because citizens tend to participate via associations rather than as individuals.

Responding to consumer needs

As consumers and service-users:

For many local citizens, their main contact with local government is through the consumption of municipal services, and it is here that municipalities need to begin to build relationships with citizens and communities. Municipalities need to be responsive to the needs of both citizens and business as consumers and end-users of municipal services. Improved customer management and service provision are critical to building an environment conducive to economic and social development.

"Batho Pele"

The Batho Pele ('People First') White Paper, issued by the Minister for Public Service and Administration, provides a useful approach to building a culture and practice of customer service. Batho Pele is based on eight key principles:

Eight principles of customer service

- **Consultation:** Citizens should be consulted about the level and quality of public services they receive, and, where possible, should be given a choice about the services which are provided.
- **Service standards:** Citizens should know what standard of service to expect
- **Access:** all citizens should have equal access to the services to which they are entitled.
- **Courtesy:** Citizens should be treated with courtesy and consideration
- **Information:** citizens should be given full and accurate information about the public services they are entitled to receive.
- **Openness and transparency:** Citizens should know how departments are run, how resources are spent, and who is in charge of particular services.
- **Redress:** If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made citizens should receive a sympathetic, positive response.
- **Value-for-money:** Public services should be provided economically and efficiently in order to give citizens the best possible value-for-money.

**In touch with users
and their needs**

Importantly, the Batho Pele White Paper notes that the development of a service-oriented culture requires the active participation of the wider community. Municipalities need constant feedback from service-users if they are to improve their operations. Local partners can be mobilised to assist in building a service culture. For example, local businesses or NGOs may assist with funding a helpline, providing information about specific services, identifying service gaps or conducting a customer survey.

**Mobilising
additional
resources**

As partners in resource mobilisation:

Municipalities will be expected to enhance delivery within the constraints of available resources. Although becoming more efficient will be one way of achieving this, another is to mobilise off-budget resources (resources additional to those budgeted for) via partnerships with businesses and non-profit organisations. Municipalities can utilise partnerships to promote emerging businesses, support NGOs and CBOs, mobilise private sector investment, and promote developmental projects which are initiated but not necessarily financed by local government. Examples of the range of options for this approach include various combinations of the following:

**Examples of ways
of mobilising
additional
resources**

- Community development corporations.
- Public-private and public-public partnerships around service delivery (see Section F: Administrative Systems, Points 2.2.3 - 2.2.4).
- Community contracting for services such as refuse collection.
- Development partnerships around issues such as local economic development, eco-tourism or farming.
- Community banking and various forms of community finance control (e.g. stokvels).
- Community information and learning centres as central points for using the new information technologies (e.g. the Internet, e-mail) for development purposes.
- Emerging business development centres.
- Training and capacity-building initiatives aimed at building up the skills base for development projects.
- Social housing mechanisms.
- Value-adding initiatives aimed at transforming wastes into products, e.g. linking recycling to job creation for the unemployed.

Service delivery partnerships are discussed in more detail in Section F: Administrative Systems. The critical point here is that there are a range of creative methods through which municipalities can mobilise energy, capacity and resources outside the municipality for the development of the area.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 402

CAPE TOWN, 18 DECEMBER 1998

KAAPSTAD, 18 DESEMBER 1998

No. 19614

OFFICE OF THE PRESIDENT

No. 1650.

18 December 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 117 of 1998: Local Government: Municipal Structures Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1650.

18 Desember 1998

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 117 van 1998: Wet op Plaaslike Regering: Munisipale Strukture, 1998.

Part 4: Ward committees

Only metropolitan and local municipalities of certain types may have ward committees 20

72. (1) Only metropolitan and local municipalities of the types mentioned in sections 8(c), (d), (g) and (h) and 9(b), (d) and (f) may have ward committees.
- (2) If a metropolitan or local municipality of a type referred to in subsection (1) chooses to establish ward committees, the provisions of this Part apply.
- (3) The object of a ward committee is to enhance participatory democracy in local government. 25

Establishment of ward committees

73. (1) If a metro or local council decides to have ward committees, it must establish a ward committee for each ward in the municipality.
- (2) A ward committee consists of— 30
- (a) the councillor representing that ward in the council, who must also be the chairperson of the committee; and
 - (b) not more than 10 other persons.
- (3) A metro or local council must make rules regulating— 35
- (a) the procedure to elect the subsection (2)(b) members of a ward committee, taking into account the need—
 - (i) for women to be equitably represented in a ward committee; and
 - (ii) for a diversity of interests in the ward to be represented.
 - (b) the circumstances under which those members must vacate office; and
 - (c) the frequency of meetings of ward committees. 40
- (4) A metro or local council may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

Functions and powers of ward committees

74. A ward committee—
- (a) may make recommendations on any matter affecting its ward— 45
 - (i) to the ward councillor; or
 - (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan subcouncil; and
 - (b) has such duties and powers as the metro or local council may delegate to it in terms of section 32. 5

Term of office of members

75. The section 73(2)(b) members of a ward committee are elected for a term determined by the metro or local council.

Vacancies 10

76. If a vacancy occurs among the section 73(2)(b) members of a ward committee, the vacancy must be filled in accordance with a procedure determined by the metro or local council.

Remuneration

77. No remuneration is payable to the section 73(2)(b) members of a ward committee. 15

Dissolution of ward committees

78. A metro or local council may dissolve a ward committee if the committee fails to fulfil its object.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 425

CAPE TOWN, 20 NOVEMBER 2000

KAAPSTAD, 20 NOVEMBER 2000

No. 21776

THE PRESIDENCY

No. 1187.

20 November 2000

It is hereby notified that the Acting President has assented to the following Act which is hereby published for general information:—

No. 32 of 2000: Local Government: Municipal Systems Act, 2000.

DIE PRESIDENSIE

No. 1187.

20 November 2000

Hierby word bekend gemaak dat die Waarnemende President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 32 van 2000: Wet op Plaaslike Regering: Munisipale Stelsels, 2000.

CHAPTER 4

COMMUNITY PARTICIPATION

Development of culture of community participation

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose— 5

- (a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—
 - (i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5; 10
 - (ii) the establishment, implementation and review of its performance management system in terms of Chapter 6;
 - (iii) the monitoring and review of its performance, including the outcomes and impact of such performance;
 - (iv) the preparation of its budget; and 15
 - (v) strategic decisions relating to the provision of municipal services in terms of Chapter 8;
- (b) contribute to building the capacity of—
 - (i) the local community to enable it to participate in the affairs of the municipality; and 20
 - (ii) councillors and staff to foster community participation; and
- (c) use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b).

(2) Subsection (1) must not be interpreted as permitting interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality. 25

Mechanisms, processes and procedures for community participation

17. (1) Participation by the local community in the affairs of the municipality must take place through—

- (a) political structures for participation in terms of the Municipal Structures Act; 30
- (b) the mechanisms, processes and procedures for participation in municipal governance established in terms of this Act;
- (c) other appropriate mechanisms, processes and procedures established by the municipality;
- (d) councillors; and 35
- (e) generally applying the provisions for participation as provided for in this Act.

(2) A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and must for this purpose provide for—

- (a) the receipt, processing and consideration of petitions and complaints lodged by members of the local community; 40
- (b) notification and public comment procedures, when appropriate;
- (c) public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate;
- (d) consultative sessions with locally recognised community organisations and, where appropriate, traditional authorities; and 45
- (e) report-back to the local community.

(3) When establishing mechanisms, processes and procedures in terms of subsection (2) the municipality must take into account the special needs of—

- (a) people who cannot read or write; 50
- (b) people with disabilities;
- (c) women; and
- (d) other disadvantaged groups.

(4) A municipal council may establish one or more advisory committees consisting of persons who are not councillors to advise the council on any matter within the council's competence. When appointing the members of such a committee, gender representivity must be taken into account. 55

Communication of information concerning community participation

18. (1) A municipality must communicate to its community information concerning—
- (a) the available mechanisms, processes and procedures to encourage and facilitate community participation;
 - (b) the matters with regard to which community participation is encouraged; 5
 - (c) the rights and duties of members of the local community; and
 - (d) municipal governance, management and development.
- (2) When communicating the information mentioned in subsection (1), a municipality must take into account—
- (a) language preferences and usage in the municipality; and 10
 - (b) the special needs of people who cannot read or write.

Public notice of meetings of municipal councils

19. The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every—
- (a) ordinary meeting of the council; and 15
 - (b) special or urgent meeting of the council, except when time constraints make this impossible.

Admission of public to meetings

20. (1) Meetings of a municipal council and those of its committees are open to the public, including the media, and the council or such committee may not exclude the public, including the media, from a meeting, except when— 20
- (a) it is reasonable to do so having regard to the nature of the business being transacted; and
 - (b) a by-law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting and which complies with paragraph (a), authorises the council or such committee to close the meeting to the public. 25
- (2) A municipal council, or a committee of the council, may not exclude the public, including the media, when considering or voting on any of the following matters; 30
- (a) A draft by-law tabled in the council;
 - (b) a budget tabled in the council;
 - (c) the municipality's draft integrated development plan, or any amendment of the plan, tabled in the council;
 - (d) the municipality's draft performance management system, or any amendment of the system, tabled in the council; 35
 - (e) the decision to enter into a service delivery agreement referred to in section 76(b); or
 - (f) any other matter prescribed by regulation.
- (3) An executive committee mentioned in section 42 of the Municipal Structures Act and a mayoral committee mentioned in section 60 of that Act may, subject to subsection (1)(a), close any or all of its meetings to the public, including the media. 40
- (4) A municipal council—
- (a) within the financial and administrative capacity of the municipality, must provide space for the public in the chambers and places where the council and its committees meet; and 45
 - (b) may take reasonable steps to regulate public access to, and public conduct at, meetings of the council and its committees.

Communications to local community

21. (1) When anything must be notified by a municipality through the media to the local community in terms of this Act or any other applicable legislation, it must be done— 50

- (a) in the local newspaper or newspapers of its area;
 (b) to a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or
 (c) by means of radio broadcasts covering the area of the municipality.
- (2) Any such notification must be in the official languages determined by the council, having regard to language preferences and usage within its area.
- (3) A copy of every notice that must be published in the *Provincial Gazette* or the media in terms of this Act or any other applicable legislation, must be displayed at the municipal offices.
- (4) When the municipality invites the local community to submit written comments or representations on any matter before the council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the municipality trained in the invitation, will assist that person to formulate that person's comments or representations.
- (5) (a) When a municipality requires a form to be completed by a member of the local community, a staff member of the municipality must give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form.
- (b) If the form relates to the payment of money to the municipality or to the provision of any service, the assistance must include an explanation of its terms and conditions.

Regulations and guidelines

22. (1) The Minister may in terms of section 120 make regulations or issue guidelines concerning—
- (a) minimum standards for municipalities, including minimum standards relating to funding, when implementing the provisions of this Chapter; and
- (b) any matter that may facilitate—
- (i) the participation of the local community in the affairs of the municipality; or
- (ii) the application of this Chapter.
- (2) When making regulations or issuing guidelines in terms of section 120 to provide for or to regulate the matters mentioned in subsection (1) of this section, the Minister must—
- (a) take into account the capacity of municipalities to comply with those matters; and
- (b) differentiate between different kinds of municipalities according to their respective capacities.
- (3) The Minister, by notice in the *Gazette*, may phase in the application of the provisions of this Chapter which place a financial or administrative burden on municipalities.
- (4) A notice in terms of subsection (3) may—
- (a) determine different dates on which different provisions of this Chapter become applicable to municipalities;
- (b) apply to all municipalities generally;
- (c) differentiate between different kinds of municipalities which may, for the purpose of the phasing in of the relevant provisions, be defined in the notice to relation to categories or types of municipalities or in any other way; or
- (d) apply to a specific kind of municipality only, as defined in the notice.



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 484 Cape Town, 13 February 2004 No. 26019
Kaapstad, 13 Februarie 2004

THE PRESIDENCY

No. 176 13 February 2004

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 56 of 2003: Local Government: Municipal Finance Management Act, 2003.

DIE PRESIDENSIE

No. 176 13 Februarie 2004

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 56 van 2003: Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003.



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

- (i) the preparation, tabling and approval of the annual budget;
 - (ii) the annual review of—
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
 - (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
- (2) When preparing the annual budget, the mayor of a municipality must—
- (a) take into account the municipality's integrated development plan;
 - (b) take all reasonable steps to ensure that the municipality revises the integrated development plan in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;
 - (c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;
 - (d) consult—
 - (i) the relevant district municipality and all other local municipalities within the area of the district municipality, if the municipality is a local municipality;
 - (ii) all local municipalities within its area, if the municipality is a district municipality;
 - (iii) the relevant provincial treasury, and when requested, the National Treasury; and
 - (iv) any national or provincial organs of state, as may be prescribed; and
 - (e) provide, on request, any information relating to the budget—
 - (i) to the National Treasury; and
 - (ii) subject to any limitations that may be prescribed, to—
 - (aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;
 - (bb) any other national and provincial organ of states, as may be prescribed; and
 - (cc) another municipality affected by the budget.

Publication of annual budgets

22. Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must—
- (a) in accordance with Chapter 4 of the Municipal Systems Act—
 - (i) make public the annual budget and the documents referred to in section 17(3); and
 - (ii) invite the local community to submit representations in connection with the budget; and
 - (b) submit the annual budget—
 - (i) in both printed and electronic formats to the National Treasury and the relevant provincial treasury; and
 - (ii) in either format to any prescribed national or provincial organs of state and to other municipalities affected by the budget.

Consultations on tabled budgets

23. (1) When the annual budget has been tabled, the municipal council must consider any views of—
- (a) the local community; and

Act No. 56, 2003

LOCAL GOVERNMENT:
MUNICIPAL FINANCE MANAGEMENT ACT, 2003

- (b) the National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities which made submissions on the budget.
- (2) After considering all budget submissions, the council must give the mayor an opportunity— 5
- (a) to respond to the submissions; and
- (b) if necessary, to revise the budget and table amendments for consideration by the council.
- (3) The National Treasury may issue guidelines on the manner in which municipal councils should process their annual budgets, including guidelines on the formation of a committee of the council to consider the budget and to hold public hearings. 10
- (4) No guidelines issued in terms of subsection (3) are binding on a municipal council unless adopted by the council.

Approval of annual budgets

24. (1) The municipal council must at least 30 days before the start of the budget year consider approval of the annual budget. 15
- (2) An annual budget—
- (a) must be approved before the start of the budget year;
- (b) is approved by the adoption by the council of a resolution referred to in section 17(3)(a)(i); and 20
- (c) must be approved together with the adoption of resolutions as may be necessary—
- (i) imposing any municipal tax for the budget year;
- (ii) setting any municipal tariffs for the budget year;
- (iii) approving measurable performance objectives for revenue from each source and for each vote in the budget; 25
- (iv) approving any changes to the municipality's integrated development plan; and
- (v) approving any changes to the municipality's budget-related policies.
- (3) The accounting officer of a municipality must submit the approved annual budget to the National Treasury and the relevant provincial treasury. 30



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 467

Cape Town,
Kaapstad,

17 May
Mei 2004

No. 26357

THE PRESIDENCY

No. 610

17 May 2004

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 6 of 2004: Local Government: Municipal Property Rates Act, 2004.

IMHOVISI LIKAMONGAMELI

No. 610

17 May 2004

Ngalokhu kuzaziwa ukuthi uMongameli usewuvumile loMthetho nasewuzazichitolelwa omphakathi:—

Ino 6 ka 2004: Umthetho Wobulumeni Basakhaya: Iwokukhokha Kwentolo Yendawo Yabomasipala, ka 2004.



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

Community participation

4. (1) Before a municipality adopts its rates policy, the municipality must—
- (a) follow a process of community participation in accordance with Chapter 4 of the Municipal Systems Act; and 40
 - (b) comply with subsection (2).
- (2) The municipal manager of the municipality must—
- (a) conspicuously display the draft rates policy for a period of at least 30 days—
 - (i) at the municipality's head and satellite offices and libraries; and 45
 - (ii) if the municipality has an official website or a website available to it as envisaged in section 21B of the Municipal Systems Act, on that website; and
 - (b) advertise in the media a notice—
 - (i) stating— 50
 - (aa) that a draft rates policy has been prepared for submission to the council; and
 - (bb) that the draft rates policy is available at the municipality's head and satellite offices and libraries for public inspection during office hours and, if the municipality has an official website or a website 55 available to it, that the draft rates policy is also available on that website; and
 - (ii) inviting the local community to submit comments and representations to the municipality concerned within a period specified in the notice which may not be less than 30 days. 60

(3) A municipal council must take all comments and representations made to it or received by it into account when it considers the draft rates policy.

Annual review of rates policy

5. (1) A municipal council must annually review, and if necessary, amend its rates policy. Any amendments to a rates policy must accompany the municipality's annual budget when it is tabled in the council in terms of section 16 (2) of the Municipal Finance Management Act. 5
- (2) Section 3(3) to (6), read with the necessary changes as the context may require, apply to any amendment of a rates policy. Community participation in amendments to a rates policy must be effected through the municipality's annual budget process in terms of sections 22 and 23 of the Municipal Finance Management Act. 10



the dplg

Department:
Provincial and Local Government
REPUBLIC OF SOUTH AFRICA

Draft National Policy Framework for Public Participation

2005

**Public Participation and Empowerment Chief Directorate
Free Basic Services and Infrastructure Branch
Contact: Xoliswa Sibeko, Executive Manager,
Tel: 012-3344031/4
Email: XoliswaS@dplg.gov.za**

Summary

This document provides a policy framework for public participation in South Africa. This builds on the commitment of the democratic government to deepen democracy, which is embedded in the Constitution and above all in the concept of local government, as comprising the municipality and the community.

This government is committed a form of participation which is genuinely empowering, and not token consultation or manipulation. This involves a range of activities including creating democratic representative structures (ward committees), assisting those structures to plan at a local level (community-based planning), to implement and monitor those plans using a range of working groups and CBOs, supporting community-based services, and to support these local structures through a cadre of community development workers. We must also improve the accountability of ward and municipal structures to each other and to the communities they serve, as well as improving the linkages between provincial and national departments to their clients, and so to service delivery and policy.

If we do this we have a chance to making our democracy and governance structures firmly rooted in our people.

1. Basic assumptions underlying public participation

Public participation has been defined in various ways by different people, and for a variety of reasons. For example participation has been used to build local capacity and self-reliance, but also to justify the extension of the power of the state. It has also been used for data collection and interactive analysis.

In this document public participation is defined as an **open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making**. It is further defined as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

Why the need to promote public participation? Research for **dplg** has shown that public participation is promoted for four main reasons. Firstly, public participation is encouraged because it is a legal requirement to consult. Secondly, it could be promoted in order to make development plans and services more relevant to local needs and conditions. Thirdly, participation may be encouraged in order to hand over responsibility for services and promote community action. Lastly, public participation could be

encouraged to empower local communities to have control over their own lives and livelihoods.

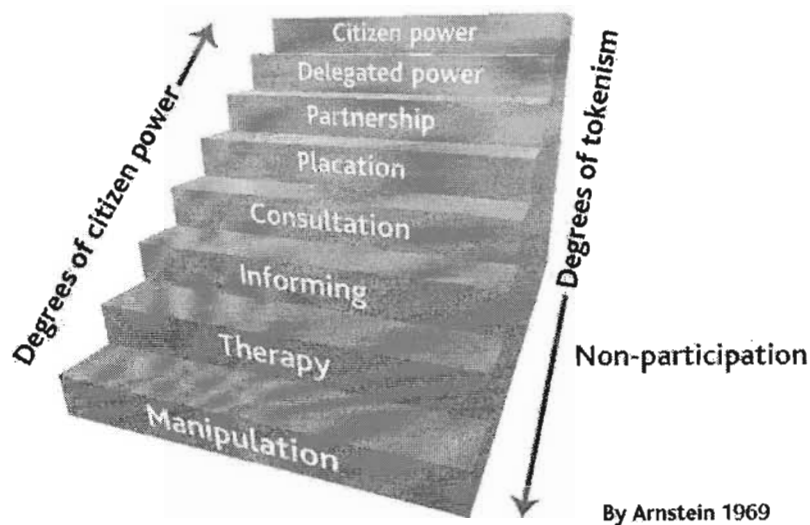
Basic assumptions underlying public participation include:

- ❑ Public participation is designed to promote the values of good governance and human rights;
- ❑ Public participation is acknowledges a fundamental right of all people to participate in the governance system;
- ❑ Public participation is designed to narrow the social distance between the electorate and elected institutions;
- ❑ Public participation requires recognising the intrinsic value of all of our people, investing in their ability to contribute to governance processes;
- ❑ People can participate as individuals, interest groups or communities more generally;
- ❑ In South Africa in the context of public participation community is defined as a ward, with elected ward committees;
- ❑ Hence ward committees play a central role in linking up elected institutions with the people, and other forums of communication reinforce these linkages with communities like the izimbizo, roadshows, the makgotla and so forth.

2. Levels of participation

As indicated earlier, public participation means different things to different people. One common method of categorising participation is that of Arnstein (1969), as show in Figure 1 and Box 1. The degree of involvement ranges from manipulation to citizen control.

Figure 1 Ladder of Participation



Box 1 Ladder of participation

Citizen control – People participate by taking initiatives independently of external institutions for resources and technical advice they need, but retain control over how resources are used. An example of citizen control is self-government – the community makes the decisions.

Delegated power – in this regard government ultimately runs the decision-making process and funds it, but communities are given some delegated powers to make decisions. People participate in joint analysis, development of action plans and formation or strengthening of local institutions. The process involves interdisciplinary methodologies that seek multiple perspectives and make use of systemic and structured learning processes. As groups take over local decisions and determine how available resources are used, so they have a stake in maintaining structures or practices.

Partnership – an example is joint projects – community has considerable influence on the decision making process but the government still takes responsibility for the decision. Participation is seen by external agencies as a means to achieve project goals, especially reduced costs. People may participate by forming groups to meet predetermined objectives related to the project. Such involvement tends to arise only after external agents have already made major decisions. Participation may also be for *material incentives* where people participate by contributing resources, for example, labour in return for food, cash or other material incentives.

Placation – the community are asked for advice and token changes are made.

Consultation – community is given information about the project or issue and asked to comment – e.g. through meetings or survey – but their view may not be reflected in the final decision, or feedback given as to why not. External agents define problems and information gathering processes, and so control analysis. Such a consultative process does not concede any share in decision-making.

Informing - Community is told about the project – e.g. through meetings or leaflets; community may be asked, but their opinion may not be taken into account.

Therapy – People participate by being told what has been decided or has already happened. It involves unilateral announcements by an administration or project management without any listening to people's responses.

Manipulation –. Participation is simply a pretence, eg with "people's" representatives on official boards but who are not elected and have no power, or where the community is selectively told about a project according to an existing agenda. The community's input is only used to further this existing agenda.

Depending on the objectives around public participation, the approach favoured will differ.

3. Legislative Framework

Since 1994 the government has put in place policy and legislative frameworks that seek to promote participatory governance.

The notion of public participation in all spheres of government is embedded in the South African Constitution. Chapter 2 of the **Constitution** includes a Bill of Rights including equality, human dignity, freedoms, environment, as well as rights to housing, health care, food, water, social security, education, access to information. In terms of the roles of national, provincial and local spheres of government the Constitution states:

"Section 151(1) (e) - obliges municipalities to encourage the involvement of communities and community organisations in local government.

Section 152 - the Objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government.

Section 195 (e) – in terms of the Basic values and principles governing public administration – people's needs must be responded to, and the public must be encouraged to participate in policy-making"

This is given effect in several areas of legislation including local government, parental managing of schools, rights to information. We will concentrate on the linkage to local government.

In the **White Paper on Local Government – 1998** the Object of community participation are embedded in the following four principles:

- To ensure political leaders remain accountable and work within their mandate;
- To allow citizens (as individuals or interest groups) to have continuous input into local politics;
- To allow service consumers to have input on the way services are delivered;
- To afford organised civil society the opportunity to enter into partnerships and contracts with local government in order to mobilise additional resources.

The White Paper also suggests that *“Municipalities should develop mechanisms to ensure citizen participation in policy initiation and formulation, and the M&E of decision-making and implementation. The following approaches can assist to achieve this:*

- *Forums to allow organised formations to initiate policies and/or influence policy formulation, as well as participate in M&E*
- *Structured stakeholder involvement in certain Council committees, in particular if these are issue-oriented committees with a limited lifespan rather than permanent structures*
- *Participatory budgeting initiatives aimed at linking community priorities to capital investment programmes*
- *Focus group participatory action research conducted in partnership with NGOs and CBOs can generate detailed information about a wide range of specific needs and values”*

The **Municipal Structures Act 117 of 1998 as amended** allows for a Category A municipality with a sub-council or ward participatory system, or a Category B municipality with a ward participatory system, and Executive committees or Executive Mayors must.... annually report on the involvement of communities and community organisations in the affairs of the municipality.

Section 72 states that the object of a ward committee is to enhance participatory democracy in local government and in Section 74 on functions and powers of ward committees – a ward committee may make recommendations on any matters affecting its ward, to the ward councillors, through the ward councillor to the metro or local council... and has such duties and powers as the metro or local council may delegate to it.

The **Municipal Systems Act 2000** defines “the legal nature of a municipality as including the local community within the municipal area, working in partnerships with the municipality’s political and administrative structures....to provide for community participation”. Section 16(1) requires the municipality to develop ‘a culture of municipal

governance that complements formal representative government with a system of participatory governance'. According to the Systems Act:

Section 4 (c) (e) The council has the duty to...

(c) encourage the involvement of the local community

(e) consult the community about the level quality, range and impact of municipal services provided by the municipality, either directly or through another service provider

5 (a) Members of the community have the right...

(b) to contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the municipal council...

(c) To be informed of decisions of the municipal council.

(d) To regular disclosure of the affairs of the municipality, including its finances

Section 16 (1):

(a) Encourage and create conditions for the community to participate in the affairs of the municipality, including in the IDP, performance management system, monitoring and review of performance...preparation of the budget, strategic decisions re municipal services

(b) Contribute to building the capacity of the local community to participate in the affairs of the municipality and councillors and staff to foster community participation...

Section 42: A municipality, through appropriate mechanisms, processes and procedures ...must involve the local community in the development, implementation and review of the municipality's performance management system, and in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets of the municipality

4. An evolving approach in practice

In practice in South Africa we can see a series of approaches over the last 20 years. The struggle against apartheid left a powerful legacy of **community management**, community-based organising and mobilising against the overweening power of the Apartheid State, contrasting with a widespread feeling of passivity and dependence. The

immediate independence phase saw the emergence of **project-based community participation**. However a passive 'recipient' mind-set continued, with expectations of the new Government to deliver development, rather than supporting people to achieve their own development. This has remained a barrier to more empowering participative systems. There was then a move to a **community development** approach, supported by government. However often government has acted more as gate-keepers and controllers than as facilitative bodies allowing communities to control resources and resource allocation. We are now moving to a new phase of **partnership and negotiated development**, and a people's contract where communities recognise their **rights** but also their **responsibilities**, and the state has **duties** to respond and facilitate.

Current approaches which are being advocated include:

- legitimate structures for community participation (**ward committees**);
- mechanisms for communities to plan (**Community-based planning, CBP**);
- integrating this planning with the **Integrated Development Planning (IDP)** process of local governments;
- support for wards to **implement** their plans, using **discretionary funds** that they control, and encouraging voluntary action to do so;
- providing facilitation and support to ward committees and community groups using **community development workers**;
- holding ward committees and municipalities to **account**.

In terms of the ladder of participation, this demonstrates that we are moving to a **partnership** approach between citizens and government, and this framework advocates moving to citizens represented by ward committees having recognised powers, with **delegated responsibilities**. In other words we are aiming to move beyond a rhetoric of participation, to practical means of **empowering citizens** to take charge of their own development, in partnership with government.

5. Principles around participation

In order to make this a reality we must be guided by a series of principles:

- **Inclusivity** - embracing all views and opinions in the process of community participation.
- **Diversity** - In a community participation process it is important to understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation. These differences should be allowed to emerge and where appropriate, ways sought to develop a consensus. Planning processes must build on this diversity.

- **Building community participation** – Capacity-building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives.
- **Transparency** - promoting openness, sincerity and honesty among all the role players in a participation process.
- **Flexibility** - the ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.
- **Accessibility** – at both mental and physical levels - collectively aimed at ensuring that participants in a public participation process fully and clearly understand the aim, objectives, issues and the methodologies of the process, and are empowered to participate effectively. Accessibility ensures not only that the role players can relate to the process and the issues at hand, but also that they are, at the practical level, able to make their input into the process.
- **Accountability** - the assumption by all the participants in a participatory process of full responsibility for their individual actions and conduct as well as a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions in the course of the process.
- **Trust, Commitment and Respect** - Above all, trust is required in a public participatory process. Invariably, however, trust is used to refer to faith and confidence in the integrity, sincerity, honesty and ability of the process and those facilitating the process. Going about participation in a rush without adequate resource allocations will undoubtedly be seen as a public relations exercise likely to diminish the trust and respect of community in whoever is conducting the process in the long term, to the detriment of any public participation processes.
- **Integration** – that public participation processes are integrated into mainstream policies and services, such as the IDP process, service planning.

Example of their practical application is shown in Table 1.

Table 1 Examples of the practical application of these principles

| Principle | Examples of applying these principles |
|-------------------------------|---|
| Inclusivity | Identifying and recognising existing social networks, structures, organisations, social clubs and institutions and use them as a vehicle for communication |
| Diversity | Ensure that different interest groups including women, the disabled and youth groups are part of governance structures |
| Building community capacity | Solicit funding from external sources to train ward committees on their role in development Embarking on consumer education on all aspects of local governance including the functions and responsibilities of the municipality and different municipal structures |
| Transparency | Engendering trust in the community by opening council meetings to the public and encouraging attendance |
| Flexibility | Being flexible in terms of time, language and approaches to public meetings |
| Accessibility | Conducting public meetings in the local language |
| Accountability | Ensuring report backs to community forums or ward committees at least on a quarterly basis |
| Trust, Commitment and Respect | Ensuring that the purpose of the process is explained adequately, as well as how it will develop |
| Integration | Integrating ward planning with the IDP process Including user committees into mainstream services, eg School Governing Bodies |

6. Making public participation a reality

6.1 Establishing Ward Committees with clear delegated functions

Ward committees are established in those municipalities that have opted for a ward-based participatory system. The role of the ward committee is to enhance participatory democracy in local government. Ward committees are seen as an independent advisory body that must be impartial. The specific roles of ward committees are to:

- Make recommendations on any matters affecting the ward to the ward councillor or through the ward councillor to the municipality;
- Serve as an official specialised participatory structure;
- Create formal unbiased communication channel as well as co-operative partnerships between the community and the council; and
- Serve as a mobilising agent for community action, in particular through the IDP process and the municipality’s budgetary process;

- Hold other duties as delegated by the municipality.

Figure 2 Areas covered by ward committees and their linkages



Therefore ward committees are forums for deliberative democracy, set up to:

- Promote self management, awareness building and ownership of local development;
- Enable faster access to information from government, as well as collecting information about the situation at community level (Social Audit) as well as closer monitoring and evaluation of service delivery;
- Provide clarification to communities about programmes and enable community involvement and quicker decision making;
- Enhance transparency in administration;
- Harness local resources to support local development;
- Improve planning, which can now be based on local strengths, needs and preferred outcomes;
- Improve the accountability of government.

Wards can cover a wide range of sectoral issues (see Figure 2) depending on the situation in the ward.

In order for communities to be active and involved in managing their development, claiming their rights and exercising their responsibilities, ward committees as legitimate structures need to be effective and a number of practical mechanisms are required, which are outlined in the next sections. The establishment of ward committees is still at an early stage, and a great deal of capacity-building still needs to be undertaken.

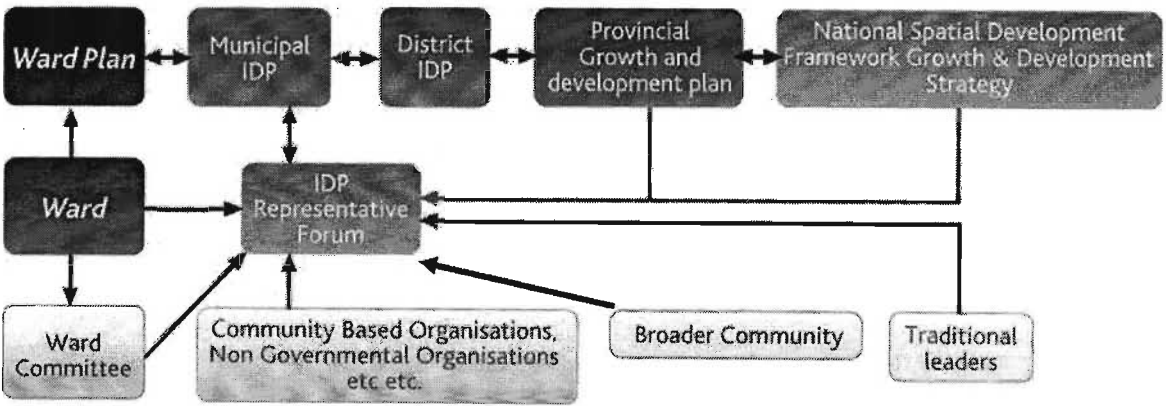
6.2 Community-based ward plans

South Africa has successfully piloted a system of community-based planning (CBP) at ward level. These ward plans include:

- an understanding of social diversity in the community, the assets, vulnerabilities and preferred outcome of these different social groups;
- an analysis of the services available to these groups, as well as the spatial aspects of development and the strengths, weaknesses, opportunities and threats facing the community
- a consensus on priority outcomes for the ward;
- collective development of plans to address these outcomes, based on what the ward will do, what support is needed from the municipality, and what from other agencies;
- identification of support needed from the IDP;
- a community budget for discretionary funds from the municipality to assist the community to take forward their ward plans;
- an action plan for the ward committee to take forward their plan and help communities to reach consensus and to have direction.

The linkage between ward plans, IDPs, provincial growth and development plans and the National Spatial Development Framework is shown in Figure 3.

Figure 3 Linkage between ward plans, communities and higher-level plans



Ward plans help to ensure that IDPs are more targeted and relevant to addressing the priorities of all groups, including the most vulnerable. CBP provides ward committees with a systematic planning and implementation process to perform their roles and responsibilities. In other words, ward plans provide an overall direction for development for the area, as well as an annual operational plan, the implementation, monitoring and evaluation of which gives ward committees an ongoing role through the year.

dplg should now encourage all municipalities to undertake CBP, so making the requirement for participation in the IDP a reality. It should be timed to link with the IDP and review cycle (see Figure 4).

Note that for some municipalities, their capacity limitations will be so severe that ensuring participation is not their first priority, but rather ensuring the basic functions they have to deliver as a municipality. In that case they should not consider CBP, but may wish to consider using some CBP tools to assist with participation in the IDP.

Figure 4 **Cycle of CBP and IDP**

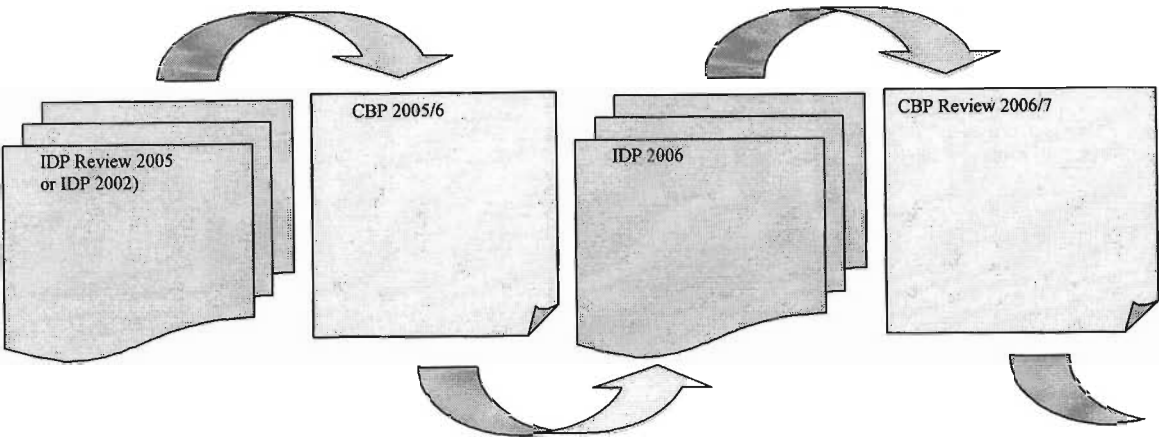


Table 2 provides an indicative schedule showing the linkage between CBP and IDP.

Table 2 **Schedule for CBP and IDP**

| Month | Activity | Content |
|--------------------|---|---|
| 1 Jan-1 April | Meetings with Council and senior management | <ul style="list-style-type: none">• Discussing costs, benefits and preconditions for CBP• Deciding whether to take on CBP• Clarify roles and responsibilities for CBP |
| 1 April to 30 June | Preparing for planning | <ul style="list-style-type: none">• Plan/content/duration/planning cycle for CBP• Process for developing the ward plans• Selecting key• Running training for CBP Manager, Specialists, councillors, sector staff• Packaging IDP information for CBP |
| July | Training of Facilitators | <ul style="list-style-type: none">• Training of facilitators from municipality, ward committees (and if appropriate NGOs and CBOs) |
| August | IDP process plan | <ul style="list-style-type: none">• Process plan developed and approved by Council |
| August-September | Ward planning | <ul style="list-style-type: none">• Ward planning in all wards• Documentation |
| October | Appraisal of ward discretionary budgets | <ul style="list-style-type: none">• Ward plans reviewed and discretionary budgets approved• Questions sent to technical depts |
| November-February | Linking to IDP | <ul style="list-style-type: none">• packaging CBP information for IDP• IDP process underway |
| | Implementation of ward plans by wards | <ul style="list-style-type: none">• CBP implementation |
| May | Approval of IDP and | <ul style="list-style-type: none">• Council approves IDP and budget inclusive of |

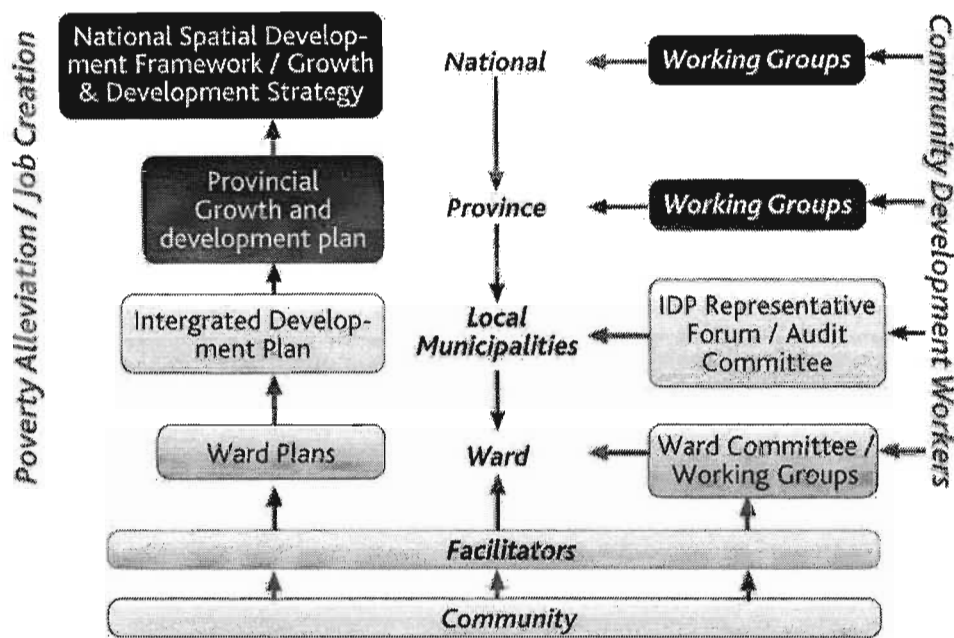
| | Budget by council | relevant CBP project proposals |
|-----------|-----------------------|---|
| June | Feedback to community | <ul style="list-style-type: none"> • Feedback to community on CBP projects included in the IDP and budget |
| July 2004 | IDP implementation | <ul style="list-style-type: none"> • Implementation of IDP projects and programmes (including those drawn from ward plans) |

6.3 Community action to implement

The community implements its action plan through local structures such as working groups or subcommittees and civil society. These will be supported by community development workers, who have a critical role to play during the planning, as well as during implementation (see Figure 5). Government recognises the importance of communities playing an active role in implementation, including managing funds such as the discretionary funds of R10-50 000 per ward provided under CBP. We will also encourage experimentation with broader participatory budgeting initiatives, such as allowing wards to prioritise projects through a project fund. The role of the ward committee in this regard is to play a steering role in the management of implementation at ward level, including use of the discretionary ward funds, other implementation activities, and use of other project funds. The role of the resources provided by government is to leverage voluntary action by communities.

Training will need to be provided to ward committees, working groups and CBOs to strengthen implementation capacity and community level. This will include skills in financial management, time management, conflict resolution, implementation planning.

Figure 5 Working groups at all levels, informed by CDWs

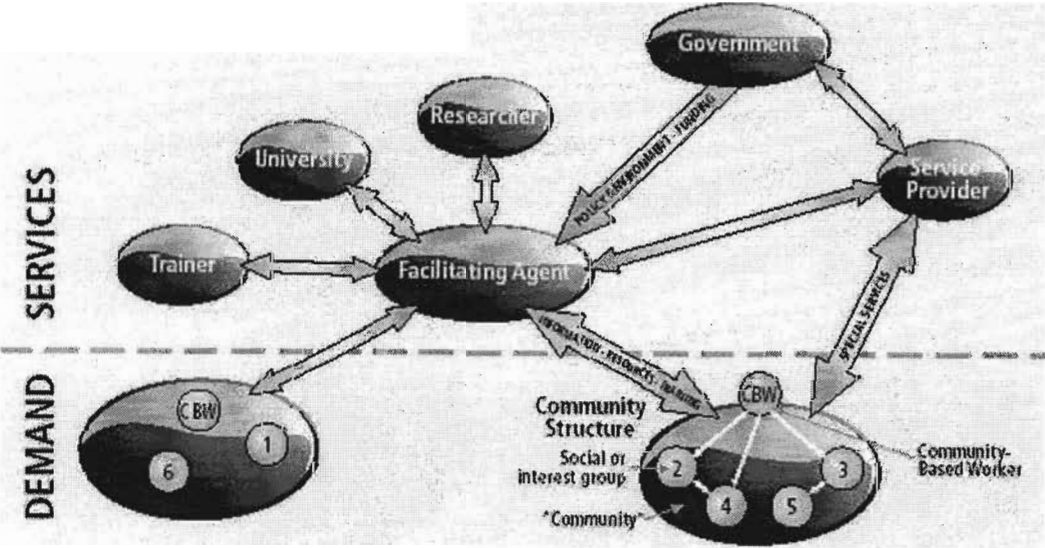


6.4 Community-based services

Community action to implement also touches on the importance of services provided by the community. In practice many of the services needed by the community are those they provide for each other. These include traditional healers, grocery clubs, stokvels, burial societies, crèches, home-based-care, traditional birth attendants, farmers advising other farmers and so on. In order to maximise the extent and coverage of services, government must encourage and support the community-based services, which sustain most of our communities, often through volunteers, rather than replacing them with centralised, professional, and often expensive and inaccessible services. This is particularly important for services that are not complex, which are needed frequently (eg daily or weekly), and which involve context-specific services, eg they need to be adapted to specific people. These services are most suitable for provision in a community-based mechanism. This is typical of personal care services, or agricultural extension. The support of such services provides an opportunity to widen access to services without increasing the overall funding envelope.

The role of government is therefore to strengthen and not replace community activity. It has to build community-based workers and group activities. Typically there is an important role for NGOs to facilitate such services, often supported by government funds or enabling legislation. Figure 8 provides a picture of such a system. Government will continue to support such activities and review how current models of service delivery could be enhanced by the use of community-based mechanisms.

Figure 6 Community-based worker system



6.5 Accountability / Monitoring and Evaluation

Accountability is one of the key principles of participation and ward committees are accountable to the communities they serve. Ward committees can apply this principle by participating in the monitoring and evaluation of community projects; and by regularly reporting back to the citizens on progress made on implementation of community projects and other community issues (see Figure 7).

We have models for how this can occur, eg through the CBP process. This must be expanded improving mechanisms for accountability:

- for ward committees to monitor their own activities, working groups etc
- for the community to monitor ward committees and their driving of implementation of the ward plans;
- for ward committees to account to municipalities on their activities, on progress with implementing ward plans;
- for municipalities to account to ward committees, on their performance, on progress with IDPs etc.

Figure 7 Feedback links between community, ward committee and municipality



6.6 Wards and their linkages to Local Government

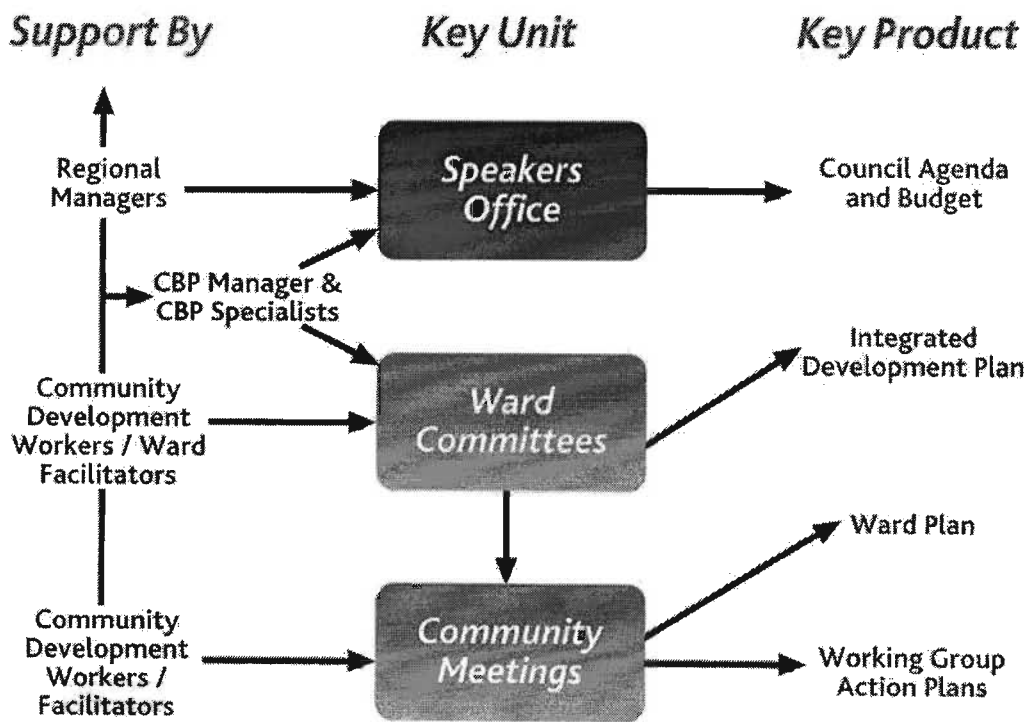
In 2003 the government introduced the Community Development Workers (CDWs) initiative, with the primary aim of “maintaining direct contact with the people where these masses live”. Since its inception, CDWs have been appointed in different parts of

the country. The CDWs can play a supportive role to the ward committees by (see Figure 8):

- Ensuring that ward committees and civil society are informed on government support and services;
- Encouraging ward committees and civil society engage with opportunities;
- Identifying needs and building on strengths by facilitating CBP locally;
- Supporting implementation of community activities and projects by community structures such as community workers and CBOs;
- Providing technical support (e.g. compile reports and documents) to ward committees to monitor community projects and to account to communities and municipalities.

The CDW initiative is a very important initiative providing grassroots staff of the municipality who can support ward committees, and assist in the communication links between communities and government. CDWs are being trained at present and they will be trained further in CBP and implementation skills.

Figure 8 Support roles by CDWs



7. Public Participation and its links to different spheres

7.1 Informing provincial and national services

Public participation also has a role to play in giving feedback to provincial and national levels, directly as well as through the IDP process. Through the latter interpreted and analysed information is collated, incorporated in the IDP, and fed upward to provinces. However it is also important that provincial departments have direct feedback as to the situation with different clients on the ground, and how they perceive services. This information is available from CBP, and methods will be established for packaging information from CBP in such a way as to inform provincial and national service providers. Provinces in particular also need to consider how to involve clients in the management of services. This already happens to a considerable degree with School Governing Bodies, who are actually legally responsible for the management of schools, and thus conform to the Self-Managing aspect of the Citizen Power in the ladder of participation. This is true to a much lesser extent for Community Policing Forums, which are consultative rather than managing services. For many other services whether agricultural extension, primary health, such consultation and accountability is very rare. This must change and user committees and feedback mechanisms introduced for all services.

7.2 Informing policy

Another aspect of participation is the need for policy to be informed by the reality of people's lives and aspirations, as well as the reality of services on the ground. This principle of micro-macro links is fundamental if poverty is to be addressed, and so the views of those affected has a chance to influence policy. Without this there is a real danger of policies which however well meaning are out of touch with the reality on the ground and so become inoperative.

8. A rich picture of deepened democracy in action

What this policy framework seeks to promote is **communities that are active and involved in managing their own development, claiming their rights and exercising their responsibilities**, contributing to governance structures at different levels, notably at ward and municipal level.

What we see is we have many of the ingredients in place. What is needed now is to:

- **Strengthen ward committees**, giving them real responsibilities and capacitating them to undertake them;

- Support communities to produce **ward plans** (CBP), assisting them with **community-managed funds** to implement these plans;
- Promote **community-based mechanisms for service delivery**, maximising volunteer action in all aspects of community life;
- Improve the **accountability** of ward and municipal structures to each other and to the communities they serve;
- Improve the **linkages** between provincial and national departments to their clients, and so to service delivery and policy.

If we do this we have a chance to making our democracy and governance structures firmly rooted in our people.

APPENDIX 5: WARD AND PROPORTIONAL COUNCILLORS OF THE ETHEKWINI MUNICIPALITY



ETHEKWINI MUNICIPALITY (PR & WARD COUNCILLORS)

| No. | Surname | First Name | Ward No. | Party |
|-----|-------------|-----------------------------|----------|---------|
| 1. | Abdool | Mahomed Amin | | PR-TA |
| 2. | Abraham | Michael | 61 | ANC |
| 3. | Adam | Mahomed Faruk | | PR-TA |
| 4. | Arunajallam | Chellappen | 60 | ANC |
| 5. | Bachu | Bhugwathlall | 23 | ANC |
| 6. | Baig | Mahomed Yakoob | 25 | ANC |
| 7. | Bawden | Esther Mary | | PR-IFP |
| 8. | Bayeni | Mduduzi Enock | 99 | ANC |
| 10. | Bhengu | My-Pet Ntombifuthi | | PR-ANC |
| 11. | Borman | Gloria Mary | 31 | ANC |
| 12. | Brunsdon | Johannes Jacobus Pretorius | 97 | DA |
| 13. | Burrows | Susan Mary | 33 | DA |
| 14. | Butelezi | Stanley Sakhephi | 16 | ANC |
| 15. | Buthelezi | Bhekinkosi Jethro | | PR-ANC |
| 16. | Cele | Nana Tryphina | | PR-ANC |
| 17. | Cele | Joice Nondumiso | | PR-ANC |
| 18. | Cele | Theressia Lungile | | PR-ANC |
| 9. | Chamane | Nompumelelo Beata | | PR-ANC |
| 19. | Chetty | Gangraj | | PR-MF |
| 20. | Chetty | Arumugam | | PR-UDM |
| 21. | Christians | Alex | | PR-DA |
| 22. | Coen | Avrille Marcia | 27 | DA |
| 23. | Collins | Terence Peter | 9 | DA |
| 24. | David | Eunice | | PR-ANC |
| 25. | Davis | Peter | | PR-DA |
| 26. | Devenish | George Edwin | 28 | DA |
| 27. | Dimba | Derrick Nkosi | 15 | ANC |
| 28. | Dladla | Muziwenyanga Amon Kumakwabo | 82 | ANC |
| 29. | Dlamini | Bongani | 46 | ANC |
| 30. | Dlamini | Japhet Mlungisi | 59 | ANC |
| 31. | Du Bois | Duncan Leslie | 66 | DA |
| 32. | Ellis | Phillida Evelyn | | PR-DA |
| 33. | Foune | Gill Steven | | PR-ANC |
| 34. | Gabela | Thandi Lucia | | PR-ANC |
| 35. | Gaillard | Denis Colin | | PR-DA |
| 36. | George | Cyril Maurice | | PR-ACDP |
| 37. | Girdhari | Banparkash | | PR-MF |

| No. | Surname | First Name | Ward No. | Party |
|-----|------------|---------------------------|----------|--------|
| 87. | Gobey | Aleta Jacoba Magdalena | | PR-ANC |
| 38. | Gobind | Rabichandra | 34 | ANC |
| 39. | Govender | Magesvari | | PR-ANC |
| 40. | Govender | Poobalan | | PR-SCP |
| 41. | Green | John Alan | | PR-DA |
| 42. | Gumede | Sibusiso Nigel | | PR-ANC |
| 43. | Gumede | Vela Cecil | | PR-IFP |
| 44. | Gumede | Msizi Percival | | PR-IFP |
| 45. | Gumede | Thokozile Joyce | | PR-IFP |
| 46. | Gumede | Zandile Ruth Thelma | 53 | ANC |
| 47. | Gwala | Bhungu Mgezeni | 39 | IFP |
| 48. | Hansraj | Ravalall | | PR-MF |
| 49. | Hlatshwayo | Stanley Qaphelani | 2 | ANC |
| 50. | Hlengwa | Primrose Phumzile | | PR-ANC |
| 51. | Hlongwa | Talent Mfanufikile | 17 | ANC |
| 52. | Hoorzuk | Diana Gloria | | PR-ANC |
| 53. | Hoosen | Mahommed Haniff | | PR-ID |
| 54. | Hoosman | Nafisa Bi | | PR-ANC |
| 55. | Iyir | Noorharpersadh Bitharthee | | PR-IFP |
| 56. | Jacobs | Bella Hester | | PR-ID |
| 57. | Jayanathan | Soobramoney | | PR-DA |
| 58. | Johnson | Managi | | PR-DA |
| 59. | Kaunda | Thomas Mxolisi | | PR-ANC |
| 60. | Kaunda | Sipho Alam | | PR-ANC |
| 61. | Khanyile | Mzwamandla Wellington | 19 | ANC |
| 62. | Khanyile | Jeremiah Zwelihle | | PR-IFP |
| 63. | Khoza | Abednigo Vusumuzi | 32 | ANC |
| 64. | Khuzwayo | Sipho Gladwell | | PR-ANC |
| 65. | Kikine | Samuel Kikine Bhekuyise | | PR-ANC |
| 66. | Vacant | - | | PR-ANC |
| 67. | Langa | Nomthandazo Patricia | | PR-ANC |
| 68. | Lindsay | Jean Dagmar | | PR-DA |
| 69. | Luthuli | Pearl | 13 | ANC |
| 70. | Lutyeku | Velile | | PR-ANC |
| 71. | Mabaso | Nompumelelo Theodorah | 62 | ANC |
| 72. | Mabaso | Margaret Thandi | | PR-ANC |
| 73. | Mabizela | David Dumsani | 43 | ANC |
| 74. | Mabuza | Francisca Thembisile | | PR-ANC |
| 75. | Macpherson | Rory Dean | 35 | DA |
| 76. | Madikizela | Nhanhla Freda | | PR-ANC |

(re

| No. | Surname | First Name | Ward No. | Party |
|------|---------------|-------------------------------|----------|-----------|
| 77. | Madondo | Mduduzi Joel | 11 | ANC |
| 78. | Magubane | Zakithi Emmerentia | 3 | ANC |
| 79. | Magwaza | Tana Derrick | 100 | ANC |
| 80. | Maistry | Minesh | 73 | MF |
| 81. | Maistry | Freddie | 90 | ANC |
| 82. | Majola | Kenneth Lifaso | 47 | ANC |
| 83. | Makhanya | Nokuthula Judith | | PR-ANC |
| 84. | Mapena | William Lekgoa | | PR-ANC |
| 85. | Mbambo | Vumani Joseph | | PR-DA |
| 86. | Mbili | Sihle Maxwell | | PR-ANC |
| 88. | Mfeka | Patrick | 14 | ANC |
| 89. | Mhlanzi | Dennis Mzwandile | | PR-ANC |
| 90. | Mhlongo | Marrbirth Ignelia Nompumelelo | | PR-IFP |
| 91. | Mhlongo-Ntaka | Lindiwe Muriel | 29 | ANC |
| 92. | Mitchell | André Ross | 65 | DA |
| 93. | Mitchell (II) | André Ross | 63 | DA |
| 94. | Mkhize | Bhekokuhle Cyprian | 89 | IFP |
| 95. | Mkhize | Sifiso Patrick | 85 | ANC |
| 96. | Mkhize | Nomzamo Irene | 88 | ANC |
| 97. | Mkize | Dumazile Flora | 96 | ANC |
| 98. | Mlaba | Thembinkosi Obed | | PR-ANC |
| 99. | Mlaba | Wilfred Siphso | | PR-NADECO |
| 100. | Mncwabe | Divas Fakisono | | PR-IFP |
| 101. | Mngadi | Bhekisisa Richard | 30 | ANC |
| 102. | Mngadi | Thandi Edna | | PR-DA |
| 103. | Mngadi | Molly | | PR-IFP |
| 104. | Mnguni | Simosakhe David | | PR-IFP |
| 105. | Mngwengwe | Lucky Nhlanhla | 6 | ANC |
| 106. | Mngwengwe | Bhekizazi Vincent | | PR-IFP |
| 107. | Mnyandu | Mathombi Claudia | 77 | ANC |
| 108. | Moodley | Shunmugam Ramsamy | 48 | DA |
| 109. | Moodley | Kalappen Vedachallam | | PR-ANC |
| 110. | Morar | Rajesh | | PR-ANC |
| 111. | Moyo | Fanie Themba | 7 | ANC |
| 112. | Mpungose | Nkosinathi Erick | | PR-IFP |
| 113. | Mshibe | Zithulele Wiseman | | PR-ANC |
| 114. | Msomi | Mthandeni Derrick | 93 | ANC |
| 115. | Mthembu | Octavia Nolubabalo | 74 | ANC |
| 116. | Mthembu | Nomusa Euna | 81 | ANC |
| 117. | Mthembu | Sibonelo Stewart | 84 | ANC |

| No. | Surname | First Name | Ward No. | Party |
|------|------------|-------------------------|----------|-----------|
| 118. | Mthembu | Melta Khanyisile | | PR-ANC |
| 119. | Mthethwa | Sipho Japhet | | PR-ANC |
| 120. | Mweli | Benjamin Elijah | | PR-IFP |
| 121. | Mzobe | Robert Mshiyeni | 76 | ANC |
| 122. | Naicker | Devanathan Kistnasamy | | PR-DA |
| 123. | Naidoo | Ramachandran Ramsamy | 52 | MF |
| 124. | Naidoo | Rajahrathanum Marimuthu | 68 | INDEP. |
| 125. | Naidoo | Loganathan | | PR-ANC |
| 126. | Naidoo | Pragalathan | | PR-DA |
| 127. | Naidoo | Selverani Rungiah | | PR-DA |
| 128. | Naidoo | Jonathan | | PR-ACDP |
| 129. | Naranjee | Manilall | | PR-IFP |
| 130. | Ncwane | Lincoln Sipiwe | 54 | ANC |
| 131. | Ncwane | Thulani Lawrence | | PR-ANC |
| 132. | Ndaba | Sikhumbuzo | 45 | ANC |
| 133. | Ndlela | Ntombi Beatrice | | PR-ANC |
| 134. | Ndlela | Gladwin Bheka Jonathan | | PR-IFP |
| 135. | Ndlovu | Protas Khethani Zenzele | 57 | ANC |
| 136. | Ndzimbomvu | Mxolisi Kenneth | 58 | ANC |
| 137. | Nene | Bonisiwe Witness | 26 | ANC |
| 138. | Nene | Mdudu Joshua | | PR-ANC |
| 139. | Ngcece | Ziphathele Vincent | 86 | ANC |
| 140. | Ngcobo | Mduduzi Christian | 12 | ANC |
| 141. | Ngema | Dumisani Lucky | 40 | ANC |
| 142. | Ngubane | Ellias Mbongiseni | 22 | ANC |
| 143. | Ngubane | Susimpi Simon | 1 | ANC |
| 144. | Ngwane | Bhekisisa Alexius | 42 | ANC |
| 145. | Ngwenya | Sipho Samuel | | PR-ANC |
| 146. | Nkontwana | Sindiswa Pretty-Girl | 78 | ANC |
| 147. | Nkosi | Mduduzi Samuel | | PR-IFP |
| 148. | Nofeketa | Nkululeko Cromwell | | PR-DA |
| 149. | Nontshela | Mzawuthi Saddam | 72 | ANC |
| 150. | Noyce | Gillian Margaret | | PR-DA |
| 151. | Ntanzi | Prince Njabulo | 91 | ANC |
| 152. | Ntshangase | Mary-Jane Mama | | PR-NADECO |
| 153. | Ntuli | Donald Zithulele | 94 | ANC |
| 154. | Ntuli | Mandlenkosi Mzikayifani | | PR-IFP |
| 155. | Nxumalo | James Sikhosiphi | | PR-ANC |
| 156. | Nyanisa | Nelisiwe Nestar | 21 | ANC |
| 157. | Nyawose | Mishack Sithenjwa | 79 | ANC |

| No. | Surname | First Name | Ward No. | Party |
|------|-------------|-------------------------|----------|----------|
| 158. | Nzimande | Sibusiso Hyacinth | | PR-AZAPO |
| 159. | Nzuza | Theresa Thembi | | PR-IFP |
| 160. | Padayachee | Pragasan | | PR-MF |
| 161. | Palan | Thulkanna | 69 | MF |
| 162. | Palmer | Terence Roger | 10 | DA |
| 163. | Peer | Fawzia | 24 | ANC |
| 164. | Pepler | Peter Michael | | PR-IFP |
| 165. | Phetha | Mbongelwa Steven | 8 | ANC |
| 166. | Pillay | Patrick | 51 | MF |
| 167. | Pillay | Sokhalingam | | PR-MF |
| 168. | Prinsloo | Billie Dorothea | 64 | DA |
| 169. | Pullan | Geoffrey Douglas Ayrton | | PR-DA |
| 170. | Rajaram | Nunkumar | 70 | MF |
| 171. | Ramchuran | Preeth | 37 | ANC |
| 172. | Reddy | Visvin Gopal | | PR-ANC |
| 173. | Saib | Yassien | | PR-DA |
| 174. | Shabalala | Nomvuzo Francisca | 83 | ANC |
| 175. | Shabalala | Judah Enoch | 5 | ANC |
| 176. | Shabalala | Abegail Nomthandazo | 87 | ANC |
| 177. | Shange | Senzangakhona | 95 | ANC |
| 178. | Shembe | Sibusiso | 44 | ANC |
| 179. | Shezi | Khuzimdi Raphael | 75 | ANC |
| 180. | Shozi | Dennis Mzwamasoka | 4 | ANC |
| 181. | Sibiya | Sibusiso Sibonelo | 56 | ANC |
| 182. | Singh | Jayraj | 71 | MF |
| 183. | Singh | Davanand | 50 | MF |
| 184. | Snyman | Aubrey Desmond | 67 | DA |
| 185. | Sokhela | Jabulani Africa | 55 | ANC |
| 186. | Steenhuisen | John Henry | 36 | DA |
| 187. | Stefanidis | Senprabha | | PR-MF |
| 188. | Stokes | Thomas Francis Norman | 18 | DA |
| 189. | Sunker | Lalji | | PR-IFP |
| 190. | Thring | Wayne Maxim | | PR-ACDP |
| 191. | Tsepouras | Constantina | | PR-DA |
| 192. | Vacant | - | 38 | IFP |
| 193. | Veeran | Ronnie | 49 | DA |
| 194. | Xaba | Linda Denzel | 41 | ANC |
| 195. | Xhakaza | Siyabonga Vincent | 20 | ANC |
| 196. | Xulu | Bhekisla Elliot | 80 | ANC |
| 197. | Xulu | Stanley Zamokwakhe | 98 | ANC |

| No. | Surname | First Name | Ward No. | Party |
|------|---------|--------------------|----------|--------|
| 198. | Young | Nokuthula Yolenda | | PR-ANC |
| 199. | Zulu | Mboneni Joseph | 92 | ANC |
| 200. | Zulu | Nokuthula Goodness | | PR-ANC |
| | | | | |

APPENDIX 6: JOHANNESBURG HIGH COURT RULING: 30 APRIL 2008

Coalition Against Water Privatisation (CAWP)

MAZIBUKO vs CITY OF JOHANNESBURG: A LANDMARK WATER CASE FOR ALL

JOHANNESBURG HIGH COURT RULING- 30 APRIL 2008

Four years is a long time to wait. But that's how long it took for a judgement to be handed down in *Mazibuko & Others v City of Johannesburg & Others*. It was four years ago that five residents of Phiri township, with the assistance of CAWP and CALS, began to prepare a legal case in the Johannesburg High Court challenging two critical aspects of the City of Johannesburg's water policy – the involuntary installation of prepayment water meters and the one-size-fits all Free Basic Water (FBW) policy of 6 kilolitres per household per month. The case was, at the time, and still remains, the first South African case to explicitly test the constitutional right to water, as guaranteed in our Constitution, which establishes that everyone has the right of access to sufficient water.

And so it was, on 30 April 2008, against all odds and expectations, that Johannesburg High Court judge Moroa Tsoka handed down a historic and ground-breaking judgement which found in favour of the applicants on all counts. Judge Tsoka declared that the City of Johannesburg's forcible installation of prepaid water meters in Phiri is both unlawful and unconstitutional and ordered the City to provide the applicants and all similarly situated residents of Phiri with 50 litres of FBW per person per day as well as the option of a conventional credit-metered water supply at the City's cost. The judgment is remarkable for its sensitive understanding of both the law and the plight of poor people.

On the issue of FBW, the judge did not agree with the respondents' contention that FBW was not an obligation stating that, "... their obligation is to ensure that every person has both physical and economic access to water".

In this respect the judge pointed out that the national FBW policy was clearly meant to give legal effect to section 27(2)(b) of the Constitution.

Further, the judge found the national FBW standard (6 kilolitres per household per month or 25 litres per person per day in a household of 8 people) to be a "floor" rather than a "ceiling" and that there was no evidence that the City of Johannesburg could not provide the applicants and similarly situated people in Phiri (i.e., large, poor households) with 50 litres of FBW per person per day.

On pre-paid water meters (PPMs), the judge found that the decision to install the meters amounts to administrative action and is therefore reviewable in terms of the criteria set out in the Promotion of Administrative Justice Act (PAJA). He further found that the way that PPMs were introduced in Phiri was unlawful in that there was no adequate public consultation. Also, that there was no legal basis for their introduction as a service level, because the City's by-laws only allow for the installation of PPMs as a punishment for violating the conditions of standpipe service. Moreover, as a credit-control mechanism, PPMs were only installed in Phiri and not allocated to the worst debtors, acknowledged to be government institutions and business. This, according to the judge,

along with the fact that the residents of Phiri were not provided with all available water service options (specifically, the conventional credit-meters found throughout Johannesburg's richer suburbs), amounted to unfair discrimination based on race, which is prohibited by section 9 of the Constitution. And finally, the judge found that the PPM automatic disconnection mechanism is unlawful and unconstitutional because it violates the right to just administrative action as set out in section 33 of the Constitution, section 4(3) of the Water Services Act and section 3(2) of the Promotion of Administrative Justice Act)

The judgement ranks as one of post-apartheid South Africa's most important legal victories for poor communities and all those who have been struggling against unilateral and profit-driven neo-liberal basic service policies. While it has specific legal application to Phiri and the City of Johannesburg's water policies, it also establishes several principles that could be persuasive in other jurisdictions such as Cape Town.

The provision of FBW is a legal obligation, to give meaning to the right of access to sufficient water, which is more than mere physical access and includes economic access. The national 6kl amount is a floor, and not a ceiling. Those municipalities with sufficient resources must move away from the floor as soon as they can to provide additional FBW especially to poor households.

The decision to install any kind of water device is reviewable as administrative action. If there is no legal basis for the installation of the particular water device as a service level, it cannot be installed as such.

Where the water devices have been installed only in poor areas and/or without providing poor people with all available water services options, this is likely to amount to unfair discrimination on the grounds of race, which is prohibited by section 9 of the Constitution.

It is likely that any water device that violates the procedural requirements for adequate notice of the disconnection and reasonable opportunity to make representation is unlawful and unconstitutional.

The greatest credit for this extraordinary legal victory must go to the residents of Phiri who resisted the installation of PPMs, and to all the other residents of poor communities, both in Johannesburg and across the country, who have been fighting, and continue to fight, for accessible, affordable and sufficient water provision/delivery. While it is now clear that this judgement will be appealed all the way to the Constitutional Court, this does not detract from the political and social significance of this victory. It is a case which does not only have applicability across South Africa but which, by its very character, enjoins the attention and direct interest of billions of poor people around the world who are suffering under neo-liberally inspired water policies, alongside the governments that are implementing such policies and their corporate allies who seek to turn water into nothing less than another profit-making stock market option.

| |
|---|
| Coalition Against Water Privatisation (CAW)- South Africa Patrick Sindane- Organiser @ 073 052 7005 Coordinator- Virginia Setshedi @ 078 473 3086 |
|---|